

COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL



(1) DEPARTMENT Planning and Building	(2) MEETING DATE January 10, 2006	(3) CONTACT/PHONE Andrea Miller (805) 781-4171	
(4) SUBJECT Continued hearing to consider an appeal by Rosemary Carlon, et. al. of the Subdivision Review Board's approval of 10 Conditional Certificates of Compliance C03-0416, S030174C for property in the Residential Single Family land use category. The property is located in the county on Honey Grove Ln. southeast of the intersection of Honey Grove and Story St. in the community of Nipomo in the South County area plan. APNs 092-321-024, 092-321-027 through 032. County File Number S030174C. Date application accepted: February 15, 2005. Supervisorial District #4.			
(5) SUMMARY OF REQUEST The Board of Supervisors continued this item on October 18, 2005. The issues raised at that meeting were the legal lot status of the properties to the north and the right-of-way regarding the fence location. The appellant's appeal issues were proper noticing, conditions of approval related to Quimby and Affordable Housing Fees, requirement of 10' wide access easements are not appropriate; and that an issued building permit established one legal lot.			
(6) RECOMMENDED ACTION Adopt the Resolution affirming the decision of the subdivision review board and conditionally approving the application of Rosemary Carlon, et al. for 10 Conditional Certificates of Compliance C03-0416 (S030174C).			
(7) FUNDING SOURCE(S) Appeal fees	(8) CURRENT YEAR COST N/A	(9) ANNUAL COST N/A	(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Public Works, Environmental Health, CDF, APCD, and the Parks Department were provided referrals on the 10 Conditional Certificates of Compliance.			
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____			
(13) SUPERVISOR DISTRICT(S) 4th		(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. 60 min) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)		(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A	
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	

(19) ADMINISTRATIVE OFFICE REVIEW	OK Leslie Brown	C-10-06
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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS
FROM: ANDREA MILLER, PROJECT MANAGER *AM*
VIA: KIM MURRY, DIVISION MANAGER *Kim Murry*
DATE: JANUARY 10, 2006

SUBJECT: Continued hearing to consider an appeal by **Rosemary Carlon, et. al.** of the Subdivision Review Board's approval of 10 Conditional Certificates of Compliance C03-0416, S030174C for property in the Residential Single Family land use category. The property is located in the county on Honey Grove Ln. southeast of the intersection of Honey Grove and Story St. in the community of Nipomo in the South County area plan. APNs 092-321-024, 092-321-027 through 032. County File Number **S030174C**. Date application accepted: February 15, 2005. Supervisorial District #4.

RECOMMENDATION

Adopt the resolution affirming the decision of the Subdivision Review Board and conditionally approving the application of Rosemary Carlon, et al. for 10 Conditional Certificates of Compliance C03-0416 (S030174C).

DISCUSSION

This item was considered by your Board on October 18, 2005. At that hearing, your Board continued the item and requested clarification of issues that were raised. The staff report from the October 18th hearing is attached for reference, however, all issues will be addressed in this staff report.

BACKGROUND

When staff evaluated a request for Certificates of Compliance for a neighboring property, an evaluation of adjoining lots was completed. The owners of the property in question, Rosemary Carlon, et al., were notified that their properties were also illegally subdivided and asked to call the Planning and Building Department to clear up the matter. In November 2003, 10 Conditional Certificates of Compliance were applied for by Rosemary Carlon, et al. in response to staff's direction.

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On May 2, 2005, and on June 6, 2005, the Subdivision Review Board considered and subsequently approved 10 Conditional Certificates of Compliance C03-0416 (S030174C) for the subject property. The approval established conditions for 10 separate parcels that had been created in violation of local and state ordinances. The conditions reflected those requirements that would have been assigned to a subdivision created in 1978; the date when the current owners took interest in these properties. The parcels are approximately 10,500 square feet each in the Residential Single Family land use category in the Community of Nipomo.

The applicant appealed the Subdivision Review Board's approval. The appeal issues raised include: a concern that noticing was not provided to all affected property owners; that conditions of approval related to Quimby and Affordable Housing Fees, and requirement of 10' wide access easements are not appropriate; and that an issued building permit established one legal lot.

In addition, issues raised at the last hearing include clarification of legal lot status given the existence of certificates of compliance on the northern half of this block of Honey Grove lots; and legal status of Honey Grove Ln. These issues are discussed below.

APPEAL ISSUES

- 1. Noticing. The appellant has stated that noticing for the June 6th Subdivision Review Board hearing was not provided and that the staff report was not provided to owners of all 10 lots covered by the application.**

Staff Response: All owners of the properties affected by the application and all owners within 300 feet of the exterior boundaries of the 10 lots were mailed notices explaining that a hearing would be held by the Subdivision Review Board on May 2, 2005 to consider the request for Conditional Certificates of Compliance. The staff report was mailed to the person who was listed by Rosemary Carlon et. al. on the application as the applicant/contact person for the project and was not mailed to every owner who received a mailed notice of the upcoming hearing. The hearing notice mailed to all owners does indicate that the staff report is available 7-10 days prior to the hearing and gives the website address of where it may be found, in addition to listing the staff contact person for the project. The hearing was noticed in accordance with Section 21.04.010 of Title 21, the Real Property Division Ordinance, using the latest Assessor's Office roll: a copy of the list of owners who were sent notice of the public hearing is attached.

The public hearing that was conducted on May 2, 2005 was then continued to June 6,



2005. Separate mailed notice of the June 6, 2005 hearing was not required nor conducted since it was a continued hearing.

2. The appellants object to the condition requiring payment of Quimby and Affordable Housing Fees

Staff Response: The individual owners for three parcels (1/2 lot 70), (1/2 lot 72) and (1/2 lot 74) acquired their interest in their respective properties at a time when the county would have required payment of Quimby and Affordable Housing fees with a subdivision. Conditional Certificates of Compliance give recognition to lots that were created in violation of state and local laws. In order to address impacts of the creation of these lots that were not evaluated through a typical subdivision process, conditions are imposed that reflect requirements that would have been placed on a subdivision at the time the current owner acquired the property. In this particular instance, Quimby and Affordable Housing fees were required for only these three lots referenced above.

Government Code section 66499.35 requires that conditions be satisfied prior to issuance of a permit or other grant approval for development of the property. Staff is recommending amendment of the conditions #17 and #18 adopted by the Subdivision Review Board to require payment of the Quimby and Affordable Housing fees prior to issuance of building permits rather than prior to recordation of certificates of compliance. Hence, these fees will not become due until development of the property is proposed. The amended conditions are attached to the resolution.

3. Legal Lot. The appellant has indicated that issuance of a building permit legalizes the affected lots.

Staff Response: The Conditional Certificates of Compliance approved by the Subdivision Review Board actually grant the appellants more development rights by recognizing two lots where the reliance on an issued building permit would only recognize one lot comprised of the underlying boundary of the site covered by the building permit. The building permit (#20225) that was issued for a house on a portion of this site covers both halves of lots 65 and 66. Therefore, the area covered by the entitlement can be considered one legal lot using the provision of the Subdivision Map Act that allows for the recognition of a lot for which a development permit was granted. Staff recommended that these, formerly two individual lots, be processed as two separate lots as part of the processing of the 10 Conditional Certificates of Compliance.

There is an option to revise the application to request one non-conditional certificate of compliance (to cover the area bounded by half of lot 65 and half of lot 66 as a single lot) and 8 conditional certificates of compliance. Currently, if a second house were proposed to be built on the site, the existing house would have to be moved to be to be

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located solely on one lot, as it currently straddles the lot line between the two lots.

4. The appellant has objected to the condition requiring a 10 foot wide access easement for neighborhood circulation for lots 73 and 74

Staff Response: The lots to the rear of these properties do not have adequate circulation. The property owner has retained some easement rights through adjoining lots to Story Street, however, it does not provide adequate emergency circulation. The requirement for access easements through lots 73 and 74 would not require improvement of a street, but merely make sure that structures were not placed within this access-way so that if emergency equipment and/or personnel needed to access the lots to the rear, there would be area in which to do so.

5. Lots to the rear have Certificates of Compliance. How does this affect the evaluation of status of the lots by the appellant?

Staff Response: Issuance of Certificates of Compliance in 1977 for the rear half of the lots covered by the current application does not affect the legal status of the lots owned by Rosemary Carlon et. al. Evaluation of when the current owners acquired their interest in the lots is what determines the conditions that are appropriate to apply for the Conditional Certificates of Compliance.

6. What is the legal status of Honey Grove Ln. and how does this affect the fence setback?

Staff Response: Most of Honey Grove Lane is a private road that is being improved for the benefit of the property owners along the road. The owner to the South is providing road improvements in conjunction with their development. A 20' wide portion of Honey Grove that fronts these 10 lots in question, however, is owned in fee by the County of San Luis Obispo. It was acquired in a tax default situation in 1962. The setbacks for fencing will be required from the property line of the owners affected by this application: they do not own to the centerline of the street.

The fence currently is located along the property line and drifts into the county-owned parcel that is part of Honey Grove (according to survey done by Sommermeyer). In order to comply with current ordinance standards, any fence over 3 feet in height needs to be located a minimum of 10 feet from the edge of the right-of-way for a street side setback. Until the underlying lots are further developed, a 10 foot setback from the Honey Grove right-of-way will be adequate. Once additional development is proposed on the underlying parcels, an additional 10 feet of right-of-way will be required to be offered and the fence will need to be relocated or reconfigured to meet a front setback. In the interim, the owners have indicated that they have no desire to separately develop

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these properties and the 10 foot street side setback may be measured from the edge of the right-of-way.

OTHER AGENCY INVOLVEMENT

County Public Works, Environmental Health, CDF, APCD, and the Parks Department were provided referrals on the 10 Conditional Certificates of Compliance.

FINANCIAL CONSIDERATIONS

The required appeal fee was paid, which covers the cost of processing the appeal.

RESULTS/IMPACT

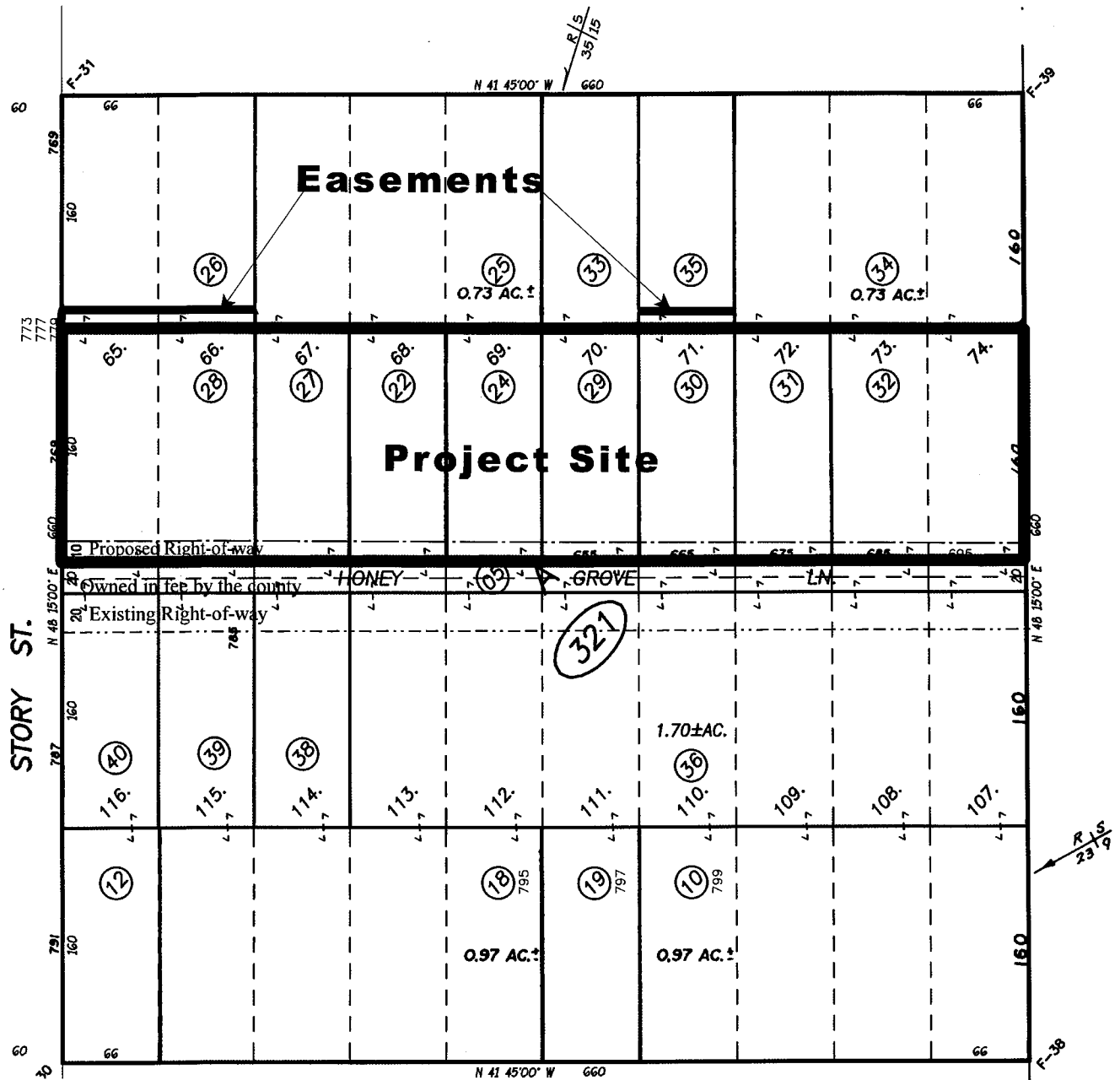
Denial of the appeal and approval of 10 Conditional Certificates of Compliance C03-0416 (S030174C), will allow for the project to go forward with recordation.

ATTACHMENTS

- A. Resolution upholding the Subdivision Review Board Decision
- B. Staff report from October 18, 2005
- C. Appeal letter
- D. List of parties who were sent Public Hearing Notices
- D. Minutes from the June 6, 2005 Subdivision Review Board Meeting
- E. Staff report from the Subdivision Review Board hearing on June 6, 2005

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Exhibit A



*Please note the lots without easements are owned by the property owner of APN 092-321-034

Carlon S030174C

County of San Luis Obispo Department of Planning & Building

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IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION AFFIRMING THE DECISION OF THE
SUBDIVISION REVIEW BOARD AND CONDITIONALLY APPROVING
THE APPLICATION OF ROSEMARY CARLON, ET AL.
FOR 10 CONDITONAL CERTIFICATES OF COMPLIANCE C03-0416 (S030174C)

The following resolution is now offered and read:

WHEREAS, on May 2, 2005, and on June 6, 2005, the Subdivision Review Board of the County of San Luis Obispo (hereinafter referred to as the "SRB") duly considered and conditionally approved the application of Rosemary Carlon, et al. for 10 Conditional Certificates of Compliance C03-0416 (S030174C); and

WHEREAS, Rosemary Carlon, et al. have appealed the SRB's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 21 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on August 9, 2005 and October 18, 2005, and the matter was continued to and determination and decision was made on January 10, 2006; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the SRB should be affirmed subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.

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5. That the appeal filed by Rosemary Carlon, et al. is hereby denied and the decision of the SRB is affirmed that the application of Rosemary Carlon, et al. for 10 Conditional Certificates of Compliance C03-0416 (S030174C) is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____

Deputy County Counsel

Dated:

STATE OF CALIFORNIA,)
County of San Luis Obispo) ss.
)

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____
day of _____, 2005.

County Clerk and Ex-Officio Clerk of the
Board of Supervisors

(SEAL)

By: _____ Deputy Clerk

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FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on March 28, 2005, for this project. Mitigation measures are proposed to address air quality, public service/utilities, and transportation/circulation, and are included as conditions of approval.

Conditional Certificate of Compliance

- B. These parcels were created in 1949 by deed transfer at a time when a map was required to be recorded to create parcels and therefore were not created in compliance with the Subdivision Map Act and local ordinances in effect at the time, which requires conditional certificates of compliance.
- C. Pursuant to the Subdivision Map Act, the parcels are required to comply with the subdivision standards in effect on the date that the property owners acquired their interest in the properties.

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CONDITIONS - EXHIBIT B

Approved Project

This approval recognizes 10 parcels created in violation of local and state ordinances for sale or development. The parcels are approximately 10,500 square feet each.

Access and Improvements

1. Prior to issuance of construction permits on any of the lots, roads and/or streets to be constructed to the following standards:
 - A. Honeygrove Lane constructed to complete to Figure 7 Minor Residential Street per San Luis Obispo County Ordinance Code 9-032 (1965) to a full width improvement fronting the property.
 - B. The owners of each individual lot shall grant the County a 25-foot Right of Way fronting the individual properties to complete a 50-foot Right of Way section.
 - C. Provide neighborhood circulation access by a 10 foot wide easement access along the South side of partial lot 73 and a 10 foot wide easement access along the North side of partial lot 74.
2. Prior to issuance of construction permits on the lot, additional Offer of Dedication to the public by separate document: A 20-foot radius property line return at the intersection of Honeygrove Lane and Story Street. (Applies to certificate 1(lot 65) only)

Improvement Plans

3. Prior to issuance of construction permits on any of the lots, improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plans to include:
 - A. Street plan and profile.
 - B. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - C. Water plan (County Health).
 - D. Sewer plan (County Health).
 - E. Grading and erosion control plan for subdivision related improvement locations.
 - F. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
4. The applicant shall enter into an agreement with the county for cost of checking, the improvement plans, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
5. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the

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approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Drainage

6. Prior to issuance of construction permits on any of the lots, the applicant shall submit complete drainage calculations to the Department of Public Works for review and approval.
7. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
8. If a drainage basin is required, the drainage basin along with rights of ingress and egress be offered for dedication to the public with an additional easement reserved in favor of the owners and assigns.

Miscellaneous

9. Prior to issuance of construction permits on any of the lots, the applicant shall obtain a will serve letter from the Nipomo Community Services District for community water and sewer service for each lot.
10. Community water shall be obtained from the Nipomo Community Services District.
11. Operable water facilities from an approved community water source shall be assured prior to development of the parcel. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcel created. Water main extensions, laterals to the parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
12. Sewer service shall be obtained from the Nipomo Community Services District.
13. Prior to development of the parcel, a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created.
14. Prior to development of any property, partial lots 65 to 67 shall be tied into the sewer system and the existing septic tanks formally abandoned.
15. The two homes and structures on partial lots 65, 66, and 67 shall be brought into compliance with regulations concerning setbacks, parking, storage of materials and keeping of animals (applies to Certificates 1(lot 65), 2(lot 66), and 3(lot 67)).
16. That the owner of partial Lots 65, 66, and 67 (Certificates No. 1, 2 and 3) must within 30 days of the effective date of this approval either reduce the fence to 3 feet in height and relocate any portion out of the County owned portion of Honeygrove Lane or relocate the fence back onto the property to comply to a front yard setback of 25 feet from the edge of the County owned property on Honeygrove Lane. Or, if the owner wishes to enter into a Covenant and Agreement to hold all three of the lots as a single building site shifting the front setback to Story Street, then upon the Recording of the Covenant and Agreement the owner must relocate the fence back onto her lot, 10 feet from the edge of



the County owned property on Honeygrove Lane, and be given 30 days to complete that relocation. Please note that the end of the fence would have to comply with the 25 foot front yard setback from Story Street.

Parks and Recreation (Quimby) Fees

17. **Prior to issuance of construction permit**, the applicants shall pay the "in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee for three parcels (certificate 6(lot 70), 8(lot 72) and 10(lot74)) shall be paid.

Affordable Housing Fee

18. **Prior to issuance of construction permit**, the applicants shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for certificate 6(lot 70), 8(lot 72) and 10(lot 74).

Community Sewer and Water

19. Community water and fire protection shall be obtained from the community water system.
20. Sewer service shall be obtained from the community sewage disposal system.

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**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE October 18, 2005	(3) CONTACT/PHONE Andrea Miller (805) 781-4171	
(4) SUBJECT An appeal by Rosemary Carlon, et al., of the Subdivision Review Board's decision to approve 10 Conditional Certificates of Compliance C03-0416, S030174C (Rosemary Carlon, et al.). (Supervisory District 4)			
(5) SUMMARY OF REQUEST The appellant is concerned that noticing was not provided to all affected property owners; that conditions of approval related to Quimby and Affordable Housing Fees, and requirement of 10' wide access easements are not appropriate; and that an issued building permit established one legal lot.			
(6) RECOMMENDED ACTION Adopt the Resolution affirming the decision of the subdivision review board and conditionally approving the application of Rosemary Carlon, et al. for 10 Conditional Certificates of Compliance C03-0416 (S030174C).			
(7) FUNDING SOURCE(S) Appeal fees	(8) CURRENT YEAR COST N/A	(9) ANNUAL COST N/A	(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Public Works, Environmental Health, CDF, APCD, and the Parks Department were provided referrals on the 10 Conditional Certificates of Compliance.			
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____			
(13) SUPERVISOR DISTRICT(S) 4th		(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. 45 min) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)		(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A	
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	

(19) ADMINISTRATIVE OFFICE REVIEW	<div style="font-size: 2em; font-family: cursive;">OK Leslie Form</div> <div style="font-size: 2em; font-family: cursive; position: absolute; right: 0; bottom: 0;">C-14 C-2 10/18/05</div>
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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: ANDREA MILLER, PROJECT MANAGER

VIA: KIM MURRY, DIVISION MANAGER *KM*

DATE: OCTOBER 18, 2005

SUBJECT: AN APPEAL BY ROSEMARY CARLON, ET AL. OF THE SUBDIVISION REVIEW BOARD'S DECISION TO APPROVE 10 CONDITIONAL CERTIFICATES OF COMPLIANCE C03-0416, S030174C (ROSEMARY CARLON, ET AL.).
(SUPERVISORIAL DISTRICT 4)

RECOMMENDATION

Adopt the resolution affirming the decision of the Subdivision Review Board and conditionally approving the application of Rosemary Carlon, et al. for 10 Conditional Certificates of Compliance C03-0416 (S030174C).

DISCUSSION

In 2002, the neighboring property owners, Ms. Lewis and Mr. Cool, came into the Planning and Building Department for building permits on ten Residential Single Family lots. At this time, a legal lot status was required. These lots were found to be illegally subdivided at a time in which lots of less than three acres could not be created without first having a subdivision approved by the County Subdivision Review Board. A map was required to be approved to create parcels at that time; therefore the lots were not legally created. The property owners applied for and completed 10 Conditional Certificates of Compliance. As required for a public hearing notice, the neighboring property owners were notified of a Subdivision Review Board hearing on November 3, 2003. At this time, the 10 Conditional Certificates of Compliance were approved.

The neighboring property owner, Rosemary Carlon, et al. were notified that their properties were also illegally subdivided and asked to call the Planning and Building Department to clear up the matter. In November 2003, 10 Conditional Certificates of Compliance were applied for by Rosemary Carlon, et al.

On May 2, 2005, and on June 6, 2005, the Subdivision Review Board considered and subsequently approved 10 Conditional Certificates of Compliance C03-0416 (S030174C) for the subject property. The approval recognized 10 parcels created in violation of local and state ordinances for sale or development with conditions that would be typical of a subdivision created in 1978. The parcels are approximately 10,500 square feet each in the Residential Single Family land use category in the Community of Nipomo.

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The applicant appealed the Subdivision Review Board's approval and the issue was originally scheduled for a hearing before your Board on August 9, 2005. The appellant is concerned that noticing was not provided to all affected property owners; that conditions of approval related to Quimby and Affordable Housing Fees, and requirement of 10' wide access easements are not appropriate; and that an issued building permit established one legal lot. At the request of the appellant, staff recommended this item be continued to October 18, 2005.

APPEAL ISSUES

The appellant raises the following issues in the appeal:

1. **Noticing. Noticing was not provided to all property owners that own the property in question.**

Staff Response: The staff report was sent to the applicant as stated on the application form. All property owners and neighboring property owners were notified of the meeting per Section 22.70.060 of Title 22 (Land Use Ordinance) which requires that a 300 ft. radius of neighboring property owners be notified of any hearing dates. This notification was done using the latest Assessor's Office roll. A copy of the list of owners who were sent notice of the public hearing is attached as Attachment C.

2. **Quimby and Affordable Housing Fee Payment**

Staff Response: The individual owners for three parcels (certificate 6 (lot 70), certificate 8 (lot 72) and certificate 10 (lot 74)) acquired their interest in their respective properties at a time when they would have been required to pay the applicable Quimby and Affordable Housing fees. This is consistent with any other lot created at the time those owners acquired their interest in their properties.

Government Code section 66499.35 requires that conditions be satisfied prior to issuance of a permit or other grant approval for development of the property. Per County Counsel's review, staff feels it is necessary to change the time in which the fees should be paid. Instead of "Prior to recordation of certificates," conditions 17 and 18 should read "Prior to issuance of construction permit." These amended conditions are attached to the resolution.

3. **Legal Lot. Issued Building Permit establishes a legal lot.**

Staff Response: A building permit has been issued on a portion of this site. The plot plan shows two lots (lot 65 and lot 66) where the building permit has been issued. Therefore, those two lots can be considered one legal lot using the provision of the Subdivision Map Act that allows for the recognition that a grant of a permit legalizes the lot on which the permit was granted. Staff concluded that these, formerly two individual lots, be processed as two separate lots as part of the processing of these 10 Conditional Certificates of Compliance. However, if a second house were to be built on one of those lots, the existing house would have to be moved to be solely on one lot, it currently straddles the lot line between the two lots.

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4. 10 foot wide access easement for neighborhood circulation

Staff Response: This condition was required to provide neighborhood circulation through use of a 10 foot wide access easement access along the South side of partial lot 73 and a 10 foot wide access easement access along the North side of partial lot 74. Larry Kelly, retired Senior Planner, had spoken with neighboring property owners adjacent to the east and was told that an easement existed on all the lots behind partial lot 65 to partial lot 74. Please see Exhibit A.

OTHER AGENCY INVOLVEMENT

County Public Works, Environmental Health, CDF, APCD, and the Parks Department were provided referrals on the 10 Conditional Certificates of Compliance.

FINANCIAL CONSIDERATIONS

The required appeal fee was paid, which covers the cost of processing the appeal.

RESULTS/IMPACT

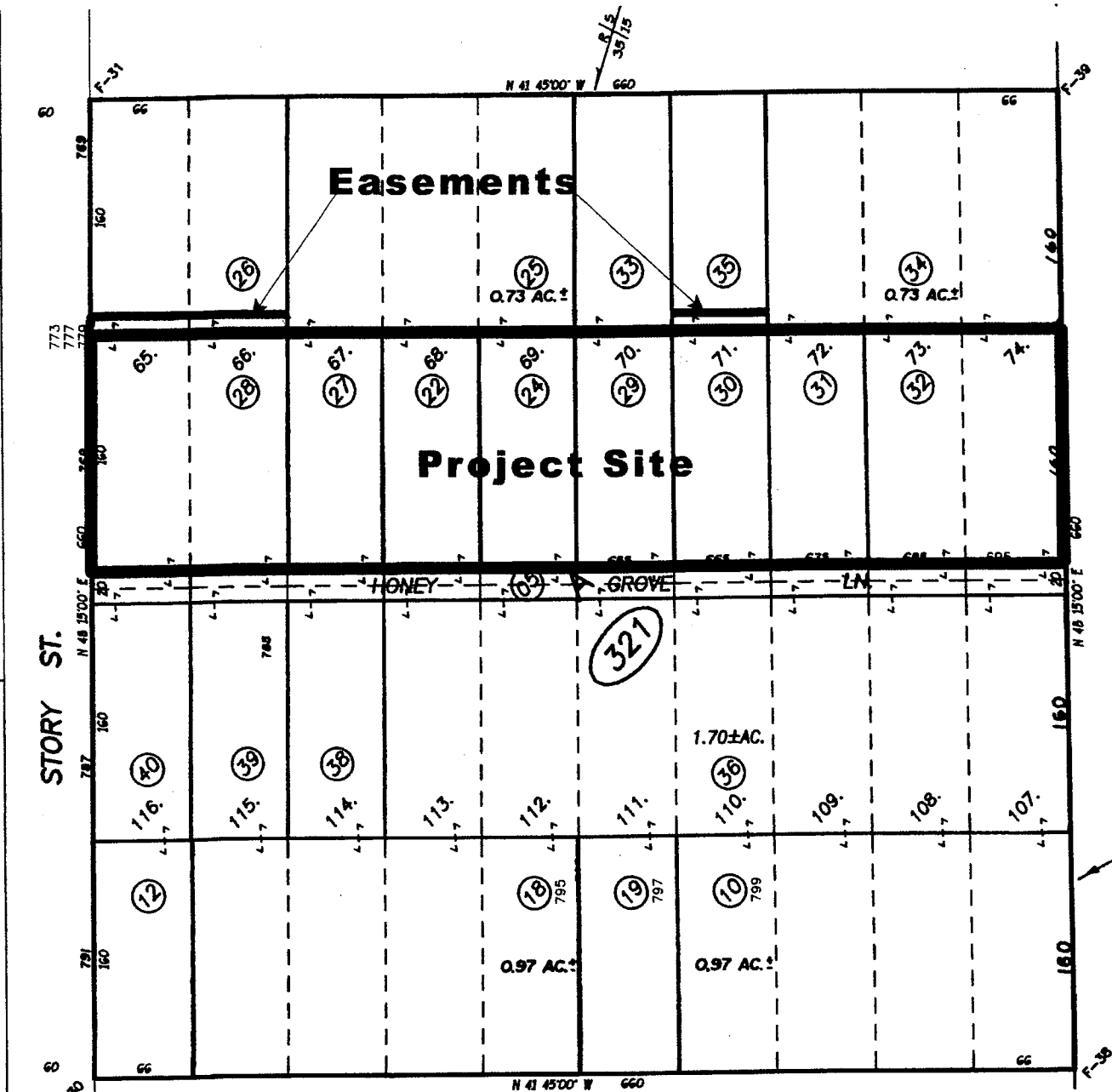
Denial of the appeal and approval of 10 Conditional Certificates of Compliance C03-0416 (S030174C), will allow for the project to go forward with recordation.

ATTACHMENTS

- A. Resolution upholding the Subdivision Review Board Decision
- B. Appeal letter
- C. List of parties who were sent Public Hearing Notices
- D. Minutes from the June 6, 2005 Subdivision Review Board Meeting
- E. Staff report from the Subdivision Review Board hearing on June 6, 2005

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J.R. 17

Exhibit A



*Please note the lots without easements are owned by the property owner of APN 092-321-034

Carlton S030174C

County of San Luis Obispo Department of Planning & Building

Handwritten signature/initials

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION AFFIRMING THE DECISION OF THE
SUBDIVISION REVIEW BOARD AND CONDITIONALLY APPROVING
THE APPLICATION OF ROSEMARY CARLON, ET AL.
FOR 10 CONDITIONAL CERTIFICATES OF COMPLIANCE C03-0416 (S030174C)

The following resolution is now offered and read:

WHEREAS, on May 2, 2005, and on June 6, 2005, the Subdivision Review Board of the County of San Luis Obispo (hereinafter referred to as the "SRB") duly considered and conditionally approved the application of Rosemary Carlon, et al. for 10 Conditional Certificates of Compliance C03-0416 (S030174C); and

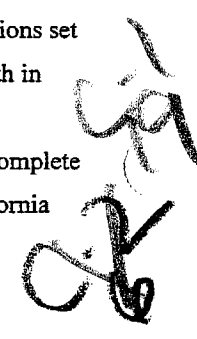
WHEREAS, Rosemary Carlon, et al. have appealed the SRB's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 21 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on August 9, 2005, and the matter was continued to and determination and decision was made on October 18, 2005; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the SRB should be affirmed subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
 2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
 3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.
- 

5. That the appeal filed by Rosemary Carlon, et al. is hereby denied and the decision of the SRB is affirmed that the application of Rosemary Carlon, et al. for 10 Conditional Certificates of Compliance C03-0416 (S030174C) is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

STATE OF CALIFORNIA,)
) ss.
County of San Luis Obispo)

WITNESS my hand and the seal of said Board of Supervisors, affixed this day of _____, 2005.

By: _____ Deputy Clerk

FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on March 28, 2005, for this project. Mitigation measures are proposed to address air quality, public service/utilities, and transportation/circulation, and are included as conditions of approval.

Conditional Certificate of Compliance

- B. These parcels were created in 1949 by deed transfer at a time when a map was required to be recorded to create parcels and therefore were not created in compliance with the Subdivision Map Act and local ordinances in effect at the time, which requires conditional certificates of compliance.
- C. Pursuant to the Subdivision Map Act, the parcels are required to comply with the subdivision standards in effect on the date that the property owners acquired their interest in the properties.

4/27/05
GFB

CONDITIONS - EXHIBIT B

Approved Project

This approval recognizes 10 parcels created in violation of local and state ordinances for sale or development. The parcels are approximately 10,500 square feet each.

Access and Improvements

1. Prior to issuance of construction permits on any of the lots, roads and/or streets to be constructed to the following standards:
 - A. Honeygrove Lane constructed to complete to Figure 7 Minor Residential Street per San Luis Obispo County Ordinance Code 9-032 (1965) to a full width improvement fronting the property.
 - B. The owners of each individual lot shall grant the County a 25-foot Right of Way fronting the individual properties to complete a 50-foot Right of Way section.
 - C. Provide neighborhood circulation access by a 10 foot wide easement access along the South side of partial lot 73 and a 10 foot wide easement access along the North side of partial lot 74.
2. Prior to issuance of construction permits on the lot, additional Offer of Dedication to the public by separate document: A 20-foot radius property line return at the intersection of Honeygrove Lane and Story Street. (Applies to certificate 1 (lot 65) only)

Improvement Plans

3. Prior to issuance of construction permits on any of the lots, improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plans to include:
 - A. Street plan and profile.
 - B. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - C. Water plan (County Health).
 - D. Sewer plan (County Health).
 - E. Grading and erosion control plan for subdivision related improvement locations.
 - F. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
4. The applicant shall enter into an agreement with the county for cost of checking, the improvement plans, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
5. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the

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approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Drainage

6. Prior to issuance of construction permits on any of the lots, the applicant shall submit complete drainage calculations to the Department of Public Works for review and approval.
7. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
8. If a drainage basin is required, the drainage basin along with rights of ingress and egress be offered for dedication to the public with an additional easement reserved in favor of the owners and assigns.

Miscellaneous

9. Prior to issuance of construction permits on any of the lots, the applicant shall obtain a will serve letter from the Nipomo Community Services District for community water and sewer service for each lot.
10. Community water shall be obtained from the Nipomo Community Services District.
11. Operable water facilities from an approved community water source shall be assured prior to development of the parcel. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcel created. Water main extensions, laterals to the parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
12. Sewer service shall be obtained from the Nipomo Community Services District.
13. Prior to development of the parcel, a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created.
14. Prior to development of any property, partial lots 65 to 67 shall be tied into the sewer system and the existing septic tanks formally abandoned.
15. The two homes and structures on partial lots 65, 66, and 67 shall be brought into compliance with regulations concerning setbacks, parking, storage of materials and keeping of animals (applies to Certificates 1(lot 65), 2(lot 66), and 3(lot 67)).
16. That the owner of partial Lots 65, 66, and 67 (Certificates No. 1, 2 and 3) must within 30 days of the effective date of this approval either reduce the fence to 3 feet in height and relocate any portion out of the County owned portion of Honeygrove Lane or relocate the fence back onto the property to comply to a front yard setback of 25 feet from the edge of the County owned property on Honeygrove Lane. Or, if the owner wishes to enter into a Covenant and Agreement to hold all three of the lots as a single building site shifting

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the front setback to Story Street, then upon the Recording of the Covenant and Agreement the owner must relocate the fence back onto her lot, 10 feet from the edge of the County owned property on Honeygrove Lane, and be given 30 days to complete that relocation. Please note that the end of the fence would have to comply with the 25 foot front yard setback from Story Street.

Parks and Recreation (Quimby) Fees

17. **Prior to issuance of construction permit**, the applicants shall pay the "in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee for three parcels (certificate 6(lot 70), 8(lot 72) and 10(lot74)) shall be paid.

Affordable Housing Fee

18. **Prior to issuance of construction permit**, the applicants shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for certificate 6(lot 70), 8(lot 72) and 10(lot 74).

Community Sewer and Water

19. Community water and fire protection shall be obtained from the community water system.
20. Sewer service shall be obtained from the community sewage disposal system.

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June 16, 2005

We applied for ten certificates of compliance for parcels owned by six different owners. Notification did not go to all the owners, but just to one. Only one person received the staff report that had the proposed conditions, and she did not attend the Subdivision Board Hearing. I was notified of the hearing date and attended, but did not have a chance to review the conditions. The conditions were applied as if it was one owner requiring dedication of land on parcels that were owned by someone else in order to build. It also required payment of Quimby park fees, and Affordable Housing fees to be paid on three parcels before the balance of the parcels could be recorded.

Parcels 65 and 66 have approved buildings which would make them legal lots, so they would not have required a certificate of compliance, and no conditions should have been imposed. We really did not plan to do any development on these properties and only applied for the certificates under the threat that the properties would receive a Notice of Violation which we later learned would only be noted on future Title Reports. Had we known this, we would not have applied for the certificates in the first place.

Rosemary Carlson
Max City
Pauline Gamm Margaret Castello

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ANDERSON THOMAS E
762 STORY ST
NIPOMO, CA 93444

APPLE MANNETTA R TRE
723 STORY RD
NIPOMO, CA 93444

ASLANIDIS ANNA M
766 STORY ST
NIPOMO, CA 93444

BERRY DAVE
6500 W 82ND ST
LA, CA 90045

BLEVINS LESLIE & LINDA
711 HONEY GROVE LN
NIPOMO, CA 93444

BRIONES BENNIE & ELILSA
765 HONEYGROVE
NIPOMO, CA 93444

BROWNE PATRICK S & JULIE
745 HONEYGROVE LN
NIPOMO, CA 93444

CABALES DANIEL & CYNTHIA
721 HONEY GROVE LN
NIPOMO, CA 93444

CAIRNS PETER & PATRICIA
715 HONEY GROVE LN
NIPOMO, CA 93444

CARLON MAXIMO J & ROSEMARY
769 STORY ST
NIPOMO, CA 93444

CARLON MAXIMO J & ROSEMARY
769 STORY ST
NIPOMO, CA 93444

CASTILLO IRENE Y
PO BOX 915
NIPOMO, CA 93444

CASTILLO IRENE Y ETAL
PO BOX 915
NIPOMO, CA 93444

CERONIO ABRAHAM & LYNETTE
726 HONEY GROVE LN
NIPOMO, CA 93444

CHAMBERS TOM ETAL
760 HONEYGROVE LN
NIPOMO, CA 93444

CHIDWICK THOMAS L TRE ETAL
786 HONEYGROVE
NIPOMO, CA 93444

CLARK VICTORIA J
783 STORY ST
NIPOMO, CA 93444

COME NORMAN & KATHERINE
732 HONEY GROVE LN
NIPOMO, CA 93444

COOL JEFFREY B & TUESDAY
756 HONEY GROVE LN
NIPOMO, CA 93444

CORIA GERARDO V & ELVIA
PO BOX 632
NIPOMO, CA 93444

CORREIA TIM & KIMBERLY
795 STORY ST
NIPOMO, CA 93444

DAY DON W
101 PARK PL
PISMO BEACH, CA 93449

DAY DON W
101 PARKPLACE
PISMO BEACH, CA 93449

DAY DON W
101 PARKPLACE
PISMO BEACH, CA 93449

DIAZ MIGUEL & MARIA D
1409 N THORNBURG
SANTA MARIA, CA 93454

FLORES ISAIAS & CATALINA
4407 2ND ST
GUADALUPE, CA 93434

FOOTE DUANE A TRE ETAL
787 HONEY GROVE LN
NIPOMO, CA 93444

JNZALES ELVIRA
417 W TUNNELL
SANTA MARIA, CA 93454

HG IV INC
720 S FRONTAGE RD STE 102
NIPOMO, CA 93444

HG IV INC
720 S FRONTAGE RD STE 102
NIPOMO, CA 93444

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HG IV INC
720 S FRONTAGE RD STE 102
NIPOMO, CA 93444

HG IV INC
720 S FRONTAGE RD STE 102
NIPOMO, CA 93444

JAUREGUI CHRISTIAN & MARTHA
736 HONEYGROVE LN
NIPOMO, CA 93444

JIMENEZ RUBEN & ANGELINA
783 STORY ST
NIPOMO, CA 93444

KADO LEONARD R ETAL
PO BOX 658
LOS OLIVOS, CA 93441

LECOVER MICHAEL D ETUX
765 MONARCH LN
NIPOMO, CA 93444

LEWOTSKY FRANK TRE ETAL
725 MONARCH DR
NIPOMO, CA 93444

LEYVA VINCENT & SANDRA
782 HONEY GROVE LN
NIPOMO, CA 93444

MAAS KENNETH & LAUREL
722 HONEYGROVE LN
NIPOMO, CA 93444

MADDEN WAYNE & REBECCA
777 HONEYGROVE LN
NIPOMO, CA 93444

MARTINEZ LINDA & DAVID
706 HONEY GROVE LN
NIPOMO, CA 93444

MAYFIELD LOWELL & CAROL
755 HONEYGROVE LN
NIPOMO, CA 93444

MCCAMPBELL BARRY
781 HONEY GROVE LN
NIPOMO, CA 93444

MILLHORN DOUGLAS & LISA
725 HONEY GROVE LN
NIPOMO, CA 93444

MORRISON KEVIN ETAL
462 MEREDITH AVE
NIPOMO, CA 93444

ONTIVEROS ESTHER
788 WEST STORY
NIPOMO, CA 93444

OWNER
754 WIDOW LN
NIPOMO, CA 93444

PANKEY CHRISTY
763 STORY ST
NIPOMO, CA 93444

RAMEY STEVEN T ETAL
792 HONEYGROVE
NIPOMO, CA 93444

SCHINDLER KEITH W ETAL
741 HONEY GROVE LN
NIPOMO, CA 93444

SLO COUNTY - ENGINEERING
COUNTY GOVT CTR ROOM 207
SLO, CA 93408

SOUZA MARK & SANDRA
746 HONEY GROVE LN
NIPOMO, CA 93444

SPRAGUE JIMMY & DEBORAH
742 HONEYGROVE LN
NIPOMO, CA 93444

STACKHOUSE STEVEN & MARY
735 HONEY GROVE LN
NIPOMO, CA 93444

STOCK CHARLES H
797 HONEY GROVE LN
NIPOMO, CA 93444

VENANCIO DAVID & KIMBERLY
772 HONEYGROVE LN
NIPOMO, CA 93444

WADDELL GARY A & K AGT DVA
745 MONARCH LN
NIPOMO, CA 93444

WATSON RAYMOND & DEBORAH
731 HONEY GROVE LN
NIPOMO, CA 93444

WAUGH DONALD & SHERRY
712 HONEY GROVE LN
NIPOMO, CA 93444

WOODARD WILLIAM & JM
PO BOX 348
NIPOMO, CA 93444

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WORMLEY CLARENCE
570 PEACOCK WY
NIPOMO, CA 93444

YBARRA ALBERT HEIRS OF
PO BOX 28
OCEANO, CA 93445

YBARRA JUANITA
512 N BRIAN ST
SANTA MARIA, CA 93454

YBARRA JUANITA
512 N BRIAN ST
SANTA MARIA, CA 93454

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SUBDIVISION REVIEW BOARD

June 6, 2005

Minutes of the Regular Meeting of the County Subdivision Review Board held in the San Luis Obispo County Board of Supervisors Chambers, San Luis Obispo, California, at 9:00 a.m.

PRESENT: MEMBERS Aeron Arlin-Genet (Air Pollution Control), Richard Lichtenfels (Environmental Health), Richard Marshall (Public Works), John Nall (Environmental Coordinator), and Chairman John Euphrat (Planning and Building)

ABSENT: None

STAFF

PRESENT: James Caruso, Planner, Current Planning
Josh LeBombard, Planner, Current Planning
Andrea Miller, Planner, Long Range Planning
Stephanie Fuhs, Planner, Planner, Current Planning
Nick Forester, Planner, Current Planning
Ryan Hostetter, Planner, Current Planning
Elizabeth Kavanaugh, Planner, Current Planning

OTHERS

PRESENT: Rob Lewin, CDF, Tim McNulty, County Counsel, Eric Greening, El-Jay Hansson, Gene R. Bilyeu, Vince Vanderlip, Jane Kitter, Terry Kitter, Doug Urschel, Wayne Madden.

The meeting is called to order by Chairman Euphrat.

The following action minutes are listed as they were acted upon by the Subdivision Review Board and as listed on the agenda for the Regular Meeting of June 6, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

DRAFT - WORDING COULD CHANGE UPON APPROVAL !

Speaker	Note
Call to order	
Roll call	
Public comment	Eric Greening comments on smart growth principles. If county adopts smart growth principles will this change procedures with the Planning and Building Department. Chairman Euphrat states the next SRB meeting will be held on July 18 th , in the new Board of Supervisors chambers. Chairman Euphrat addresses Smart Growth principals and believes if adopted it will change departmental procedures.
CONSENT AGENDA	

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Public Works	
Josh LeBombard, staff	Addresses question regarding open space easement. States routing open space easement around the road would be acceptable.
Chairman Euphrat	Addresses site disturbance.
Josh LeBombard, staff	Addresses no development on paper road. Does not believe any utilities will be brought in.
Rob Lewin, CDF	States emergency access is not needed as this is a public road.
Ken Wilson, Applicant	States his questions were answered
	Setbacks and vegetation removal fully discussed.
MOTION	Thereafter, on motion by Mr. Marshall, seconded by Ms. Arlin-Genet, and carried, to grant a Lot Line Adjustment to Stan Weaber for the above referenced item based on the findings in Exhibit A and subject to the Conditions in Exhibit B with a modification to Condition 13U making the final sentence read: "a 30 foot setback shall be shown on all applicable future construction plans unless otherwise acceptable to CDF" ..
→ 2. ROSEMARY CARLON / S030174C	This being the time set for continued hearing to consider a request by Rosemary Carlon for ten Conditional Certificates of Compliance for 10 lots approximately 10,500 square feet each. The proposed project is within the Residential Single Family land use category and is located along Honeygrove Lane between Story and Southland Street in the community of Nipomo, in the South County (Inland) planning area. APN: 092-321-028. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. Mitigation measures are proposed to address Air Quality, Public Services/Utilities and Transportation/Circulation. County File No: S030174C . Supervisorial District: District 4. Date Accepted: February 15, 2005.
Andrea Miller, staff	Presents staff report. States this item is a continued item from last SRB meeting. A requested site plan showing where the fence is located is depicted. States first three fences have been removed. States Condition #16 was added since the last meeting. Condition 19 and 24 are required due to this being a conditional certificate.
Larry Kelly, staff	States the houses can be torn down and can become separate lots with conditional certificates but can be held together in the interim.
Rosemary Carlon,	States fence is still up. Questions if her fence still needs to be moved.

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applicant	
Chairman Euphrat	Fully discusses fence removal.
Andrea Miller, staff	Discusses easements and neighborhood circulation access.
Max Carlon, applicant	Discusses fence and why it is over the line.
Bill Summermeier, Engineer for neighbors across the street	Uses overhead picture to point out right of way belonging to county and fence along Carlon's property line. Passes out pictures of centerline stakes which show how far fence is into the right of way.
Wayne Madden	Neighbor. Past Chairman of Honey Grove Assoc. Drainage concerns brought up. Questions Negative Declaration not having addressed drainage. Questions prescriptive easement and being unaware of this type of easement. Cites concerns with traffic and states blocking off the road would restrict traffic. Stresses county to look at county ownership of road. Believes no notices were mailed.
Andrea Miller, staff	Addresses access question. The southern section and northern section of Honeygrove is part of the Southland tract. States a 20' wide easement access is allowed within Southland tract. Currently homeowners maintain road. Story Road and Southland Road circulation discussed. Drainage addressed by Negative Declaration. States that everyone within 300' of all ten lots were notified of proposed project.
Chairman Euphrat	States three conditions of approval address drainage.
John Nall, staff	Refers to Negative Declaration for clarification
Richard Marshall, Public Works	States lots were created by Southland tract and all lots have equal status. No mention of county holding an easement.
MOTION	Thereafter, on motion by Mr. Marshall, seconded by Mr. Lichtenfels and carried to grant Rosemary Carlon 10 Conditional Certificates of Compliance for the above reference item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B as follows: in Condition 16 change the word "covent" to "covenant", inserting the word "setback" after the words "front yard" in the last sentence. Delete Conditions 20 through 23 and 25 through 39. Condition 24 should then be re-numbered.

Handwritten signature and initials, possibly 'S. J.' and 'J. H.', located in the bottom right corner of the page.



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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: SUBDIVISION REVIEW BOARD

FROM: ANDREA MILLER, COUNTY PLANNING

DATE: JUNE 6, 2005

SUBJECT: CARLON CONDITIONAL CERTIFICATE OF COMPLIANCE
(S030174C - C03-416)

DISCUSSION

This item was before the Board for a public hearing on May 2, 2005. During the hearing, the Board considered the staff presentation and took testimony from both the applicant and the public. After some discussion, the Board then voted to continue the item to June 6th to allow staff to return with a site plan before a decision is made considering the project.

If your Board decides to approve this project, staff recommends the following modifications and additions to the conditions of approval in Exhibit B. The new conditions are noted below:

Condition #1C

Provide neighborhood circulation access by a 10 foot wide easement access along the South side of partial lot 73 and a 10 foot wide easement access along the North side of partial lot 74.

Condition #16

That the owner of partial Lots 65, 66, and 67 (Certificates No. 1, 2 and 3) must within 30 days of the effective date of this approval either reduce the fence to 3 feet in height and relocate any portion out of the County owned portion of Honeygrove Lane or relocate the fence back onto the property to comply to a front yard setback of 25 feet from the edge of the County owned property on Honeygrove Lane. Or, if the owner wishes to enter into a Covent and Agreement to hold all three of the lots as a single building site shifting the front setback to Story Street, then upon the Recording of the Covent and Agreement the owner must relocate the fence back onto her lot, 10 feet from the edge of the County owned property on Honeygrove Lane, and be given 30 days to complete that relocation. Please note that the end of the fence would have to comply with the 25 foot front yard from Story Street.

Conditions #19 to #39

Stock Community Sewer and Water conditions



Promoting the wise use of land
Helping build great communities

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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

SUBDIVISION REVIEW BOARD

MEETING DATE June 6, 2005	CONTACT/PHONE Andrea Miller 805/781-4171	APPLICANT Rosemary Carlon, et. al.	FILE NO. C03-0416 S030174C
SUBJECT Proposal by Rosemary Carlon, et. al. for ten Conditional Certificates of Compliance for 10 lots approximately 10,500 square foot each. The project is located along Honeygrove Lane between Story and Southland Streets, in the community of Nipomo in the South County planning area.			
RECOMMENDED ACTION <ol style="list-style-type: none">1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.2. Approve ten Conditional Certificate of Compliance C03-0416 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on March 28, 2005 for this project. Mitigation measures are proposed to address <i>Air Quality, Public Services/Utilities and Transportation/Circulation</i> and are included as conditions of approval.			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 092-321-022, 024, 027 to 032	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: None Applicable			
LAND USE ORDINANCE STANDARDS: None Applicable			
EXISTING USES: Two single family residences with the remainder undeveloped.			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family / residence <i>South:</i> Residential Single Family / residence <i>West:</i> Residential Single Family / residence <i>East:</i> Residential Single Family / residence			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Parks Department, Pac Bell, Charter Cable TV, PG&E, So. California Gas, Postal Service, Environmental Health, CDF, Nipomo Community Advisory Council and Nipomo Community Services District (NCSD).			
TOPOGRAPHY: Gently sloping		VEGETATION: Grasses	
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: CDF		ACCEPTANCE DATE: December 16, 2004	
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

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PLANNING AREA STANDARDS:

None applicable based on the date the applicants acquired their interest in the property. However, today's standards require the minimum building site area to be one acre for the Southland Tract A, until community sewage disposal is available.

LAND USE ORDINANCE STANDARDS:

Minimum Parcel Size

Section 22.04.028 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Single Family land use category. The standards are based on the type of access serving the property, the topography of the site, and the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for 6,000 square foot parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Access	Located on a local street	6,000 square feet
Slope	Average slope is between 0 and 15%	6,000 square feet
Water Supply and Sewage Disposal	Community Water and Sewer	6,000 square feet

LEGAL LOT STATUS:

The applicants (See page 3 for a full list of co-applicants by parcel) are requesting ten (10) conditional certificates of compliance for ten (10) 10,560 square foot parcels that were originally portions of Lots 65, 66, 67, 68, 69, 70, 71, 72, 73 and 74 in Block A of the Southland Tract that was recorded September 12, 1911 in Book 1, Page 25 of Maps.

The northerly portions of the subject lots (APNS: 092-321-025, -026, -033, -034 and -035) were granted certificates of compliance, C77-0053, S770036C. Ten (10) regular certificates of compliance were recorded on July 7, 1978 on one (1) certificate document, 2084 OR 243. Applicable deed history is as follows:

January 3, 1949 – 523 OR 499 – Deed from Sanders to Albert Ybarra and Trina Martinez for the northeasterly 320 feet of Lots 65 to 74. This area includes both the project parcels as well as the 10 certificate parcels under C77-0053.

April 10, 1951 – 605 OR 185 – Deed from Trina and Virginia Martinez to Albert Ybarra for the northeasterly 320 feet of Lots 70 to 74. This area includes APNS: 092-321-029 through 092-321-035 of which project parcels are -029 through -032.

April 10, 1951 – 605 OR 186 – Deed from Albert and Margaret Ybarra to Trina Martinez for the northeasterly 320 feet of Lots 65 to 69. This area includes APNS: 092-321-029 through 092-321-035 of which project parcels are -029 through -032.

July 29, 1955 – 813 OR 44 – Deed from Trina Martinez to Maria Martinez for the northeasterly 320 feet of Lots 65 to 69. This area includes APNS: 092-321-029 through 092-321-035 of which project parcels are -029 through -032.

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Subdivision Review Board
C03-0416 / Carlon
Page 3

October 5, 1962 – 1217 OR 704 – Deed to County of SLO for non-payment of taxes = Southwesterly 10 ft of Lots 65 to 74 and the Northeasterly 10 feet of Lots 107 to 116 (APN: 092-321-005).

February 1, 1971 – 1604 OR 773 recorded **February 11, 1971** (correcting court order to correct legal description – **1632 OR 267** recorded September 16, 1971)– Superior Court order settling the Estate of Maria Martinez, Deceased. Transferred the following property:

To Margaret Ybarra (**1604 OR 776** – recorded February 11, 1971, correcting deed per **1633 OR 430** recorded 9/22/1971)– The Southeasterly 160 feet of Lots 65, 66, 67, 68 and 69. In exchange for a deed from Margaret Ybarra to the estate of Martinez for the following property (**1604 OR 775**): The Northeasterly 160 feet of Lots 70, 71, 72, 73 and 74.

This deed transaction was a violation of the County's Lot Division Ordinance and State Subdivision Map Act because lots of less than three acres could not be created after October 12, 1960 (Lot Division Ordinance) without first having a subdivision approved by the County Subdivision Review Board. A map was required to be approved to create parcels at that time, therefore the lots were not legally created.

Ever since 1929, the State Subdivision Map Act has prohibited the creation of more than 5 parcels by deed by any given individual within a single year. These 10 Lots are part of 20 lots that were created by this court order.

Several intervening deeds occurred with ownership changes for the project parcels. The current ownerships and the current co-applicants are as follows by APN:

APN: 092-321-028: Maximo J. Carlon and Rosemary Carlon per deed, 3278 OR 514 (recorded March 7, 1989); Rosemary Carlon acquired her interest per court order 2663 OR 916 (recorded 12/27/1984).

APN: 092-321-027: Maximo J. Carlon and Rosemary Carlon per deed, 3267 OR 779 (recorded February 10, 1989).

APN: 092-321-022: Miguel and Maria D. Diaz per deed, 2040 OR 829 (recorded January 18, 1978).

APN: 092-321-024: Juanita Ybarra per deed, 3542 OR 703 (recorded July 11, 1990).

APN: 092-321-029: Juanita J. Ybarra per deed, 2002-007060 (recorded January 28, 2002).

APN: 092-321-030: Heirs of Albert M. Ybarra c/o Genoveva Ybarra per court order to Mr. Ybarra, 2663 OR 918 (recorded 12/27/1984), Mr. Ybarra DOD 9/29/88 per 1989-I-001661 (effective 9/29/1988).

APN: 092-321-031: Irene Y. Castillo per deed, 2003-064686 (recorded June 16, 2003).

Handwritten signature and date: 9/2/03

2-5

Subdivision Review Board
C03-0416 / Carlon
Page 4

APN: 092-321-032:

Rosemary Carlon per court order, 2663 OR 916 (recorded December 27, 1984).

Irene Y. Castillo per deed, 2003-064689 (recorded June 16, 2003).

Heirs of Albert M. Ybarra c/o Genoveva Ybarra per court order to Mr. Ybarra, 2663 OR 918 (recorded 12/27/1984), Mr. Ybarra DOD 9/29/88 per 1989-I-001661 (effective 9/29/1988).

Paul M. Ybarra per court order to Mr. Ybarra, 2663 OR 918 (recorded 12/27/1984).

Juanita Ybarra per deed **2002-007059** (recorded January 28, 2002).

Pursuant to the Subdivision Map Act, the parcels should comply with the subdivision standards in effect on the date that the property owners acquired their interest in the properties.

We approved and recorded ten (10) conditional certificates of compliance for APN: 092-321-002, which is a portion of Lots 107 through 116 of Block A of the Southland Tract. This project, C03-0089 (S020317C), is directly south of the current project, C03-0416. **Larry Kelly has coordinated with Public Works and they have reached agreement that the same effective date for C03-0089, February 13, 1985, can be used for C03-0416 for road improvements to assure uniform road standards for his road.**

COMMUNITY ADVISORY GROUP COMMENTS:

Nipomo Community Advisory Council - No comments received.

AGENCY REVIEW:

Public Works - Suggest the same conditions be placed on this application as on C03-0089, the project on the other side of Honeygrove Lane. This will assure uniform improvement standards on this section of the road.

Nipomo Community Services District - Property owners need to submit application to NCSD.
Parks Department - Require qumby fees for the creation of one residential lot.

CDF - The owner shall meet the minimum fire and life safety requirements of the California Fire Code (1998 edition) with amendments.

Environmental Health - No comments received

Pac Bell - No comments received

So. California Gas - No comments received

Postal Service - No comments received

Charter Cable TV - No comments received

PG&E - No comments received

Staff report prepared by Andrea Miller
Reviewed by Larry Kelly, Senior Planner

[Handwritten signatures and initials]

2-6

FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on March 28, 2005, for this project. Mitigation measures are proposed to address air quality, public service/utilities, and transportation/circulation, and are included as conditions of approval.

Conditional Certificate of Compliance

- B. These parcels were created in 1949 by deed transfer at a time when a map was required to be recorded to create parcels and therefore were not created in compliance with the Subdivision Map Act and local ordinances in effect at the time, which requires conditional certificates of compliance.
- C. Pursuant to the Subdivision Map Act, the parcels are required to comply with the subdivision standards in effect on the date that the property owners acquired their interest in the properties.

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CONDITIONS - EXHIBIT B

Approved Project

This approval recognizes 10 parcels created in violation of local and state ordinances for sale or development. The parcels are approximately 10,500 square feet each.

Access and Improvements

1. Prior to issuance of construction permits on any of the lots, roads and/or streets to be constructed to the following standards:
 - A. Honeygrove Lane constructed to complete to Figure 7 Minor Residential Street per San Luis Obispo County Ordinance Code 9-032 (1965) to a full width improvement fronting the property.
 - B. The owners of each individual lot shall grant the County a 25-foot Right of Way fronting the individual properties to complete a 50-foot Right of Way section.
 - C. Provide neighborhood circulation access by a 10 foot wide easement access along the South side of partial lot 73 and a 10 foot wide easement access along the North side of partial lot 74.
2. Prior to issuance of construction permits on the lot, additional Offer of Dedication to the public by separate document: A 20-foot radius property line return at the intersection of Honeygrove Lane and Story Street. (Applies to certificate 1 (lot 65) only)

Improvement Plans

3. Prior to issuance of construction permits on any of the lots, improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plans to include:
 - A. Street plan and profile.
 - B. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - C. Water plan (County Health).
 - D. Sewer plan (County Health).
 - E. Grading and erosion control plan for subdivision related improvement locations.
 - F. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
4. The applicant shall enter into an agreement with the county for cost of checking, the improvement plans, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
5. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

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Drainage

6. Prior to issuance of construction permits on any of the lots, the applicant shall submit complete drainage calculations to the Department of Public Works for review and approval.
7. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
8. If a drainage basin is required, the drainage basin along with rights of ingress and egress be offered for dedication to the public with an additional easement reserved in favor of the owners and assigns.

Miscellaneous

9. Prior to issuance of construction permits on any of the lots, the applicant shall obtain a will serve letter from the Nipomo Community Services District for community water and sewer service for each lot.
10. Community water shall be obtained from the Nipomo Community Services District.
11. Operable water facilities from an approved community water source shall be assured prior to development of the parcel. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcel created. Water main extensions, laterals to the parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
12. Sewer service shall be obtained from the Nipomo Community Services District.
13. Prior to development of the parcel, a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created.
14. Prior to development of any property, partial lots 65 to 67 shall be tied into the sewer system and the existing septic tanks formally abandoned.
15. The two homes and structures on partial lots 65, 66, and 67 shall be brought into compliance with regulations concerning setbacks, parking, storage of materials and keeping of animals (applies to Certificates 1(lot 65), 2(lot 66), and 3(lot 67)).
16. That the owner of partial Lots 65, 66, and 67 (Certificates No. 1, 2 and 3) must within 30 days of the effective date of this approval either reduce the fence to 3 feet in height and relocate any portion out of the County owned portion of Honeygrove Lane or relocate the fence back onto the property to comply to a front yard setback of 25 feet from the edge of the County owned property on Honeygrove Lane. Or, if the owner wishes to enter into a Covert and Agreement to hold all three of the lots as a single building site shifting the front setback to Story Street, then upon the Recording of the Covert and Agreement the owner must relocate the fence back onto her lot, 10 feet from the edge of the County owned property on Honeygrove Lane, and be given 30 days to complete that relocation.

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Please note that the end of the fence would have to comply with the 25 foot front yard from Story Street.

Parks and Recreation (Quimby) Fees

17. **Prior to recordation of the Conditional Certificates of Compliance**, the applicants shall pay the "in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee for three parcels (certificate 6(lot 70), 8(lot 72) and 10(lot 74)) shall be paid prior to recording conditional certificates of compliance.

Affordable Housing Fee

18. **Prior to recordation of the Conditional Certificates of Compliance**, the applicants shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for certificate 6(lot 70), 8(lot 72) and 10(lot 74).

Community Sewer and Water

19. Community water and fire protection shall be obtained from the community water system.
20. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
21. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
22. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
23. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
24. Sewer service shall be obtained from the community sewage disposal system.
25. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.

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26. No residential building permits shall be issued until community sewers are operational and available for connection.
27. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
28. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
29. Any existing reservoir or drainage swale on the property shall be delineated on the map.
30. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
31. Required public utility easements shall be shown on the map.
32. Approved street names shall be shown on the map.
33. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
34. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
35. Any private easements on the property shall be shown on the map with recording data.
36. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
37. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
38. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
39. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

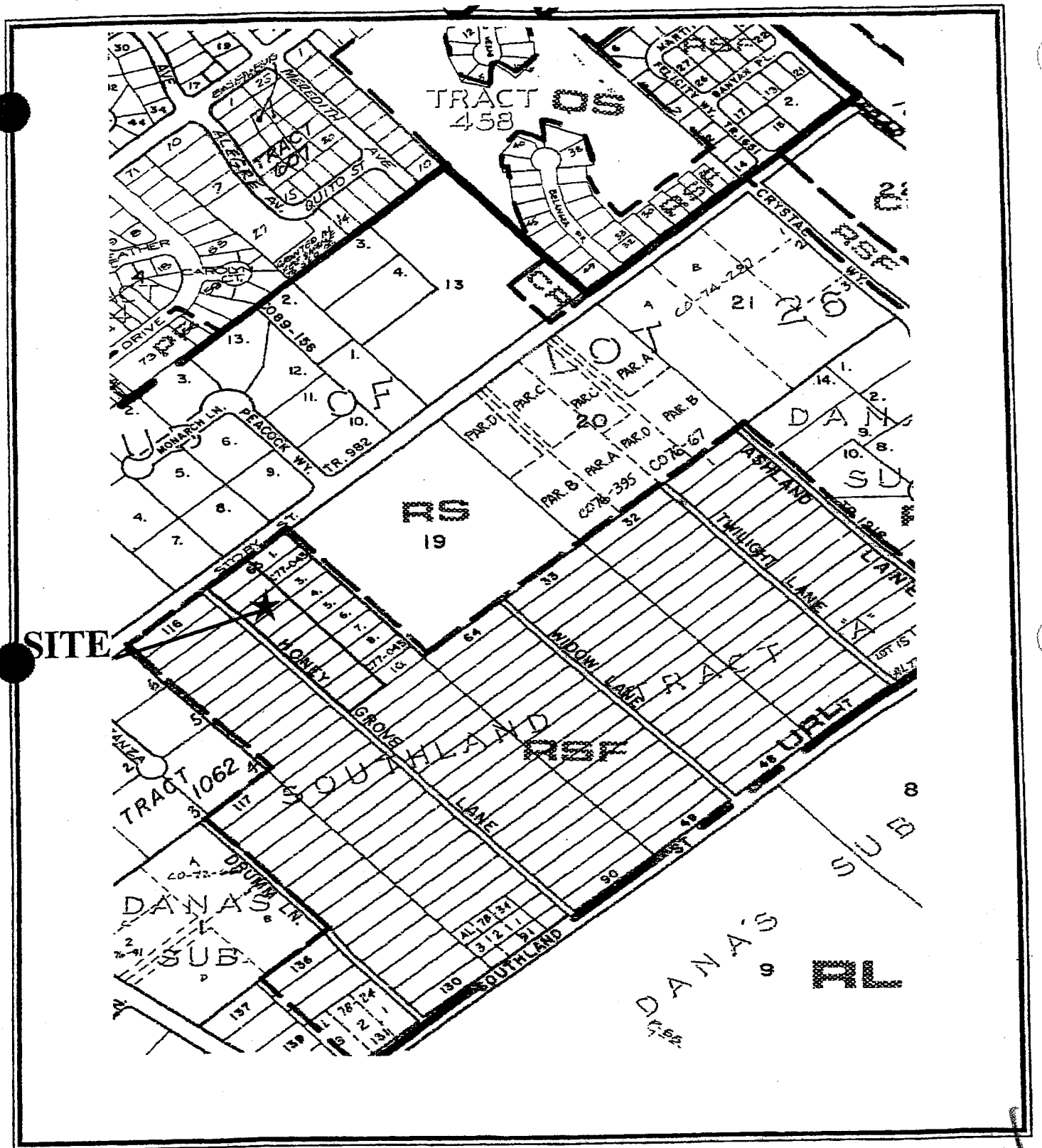
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County of San Luis Obispo Department of Planning & Building

Vicinity Map

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Carlton

6030174C, C03-0416

County of San Luis Obispo Department of Planning & Building

Landuse Map

Handwritten notes and signatures, including the number 43 and a signature that appears to be 'C. J. 2/13'.

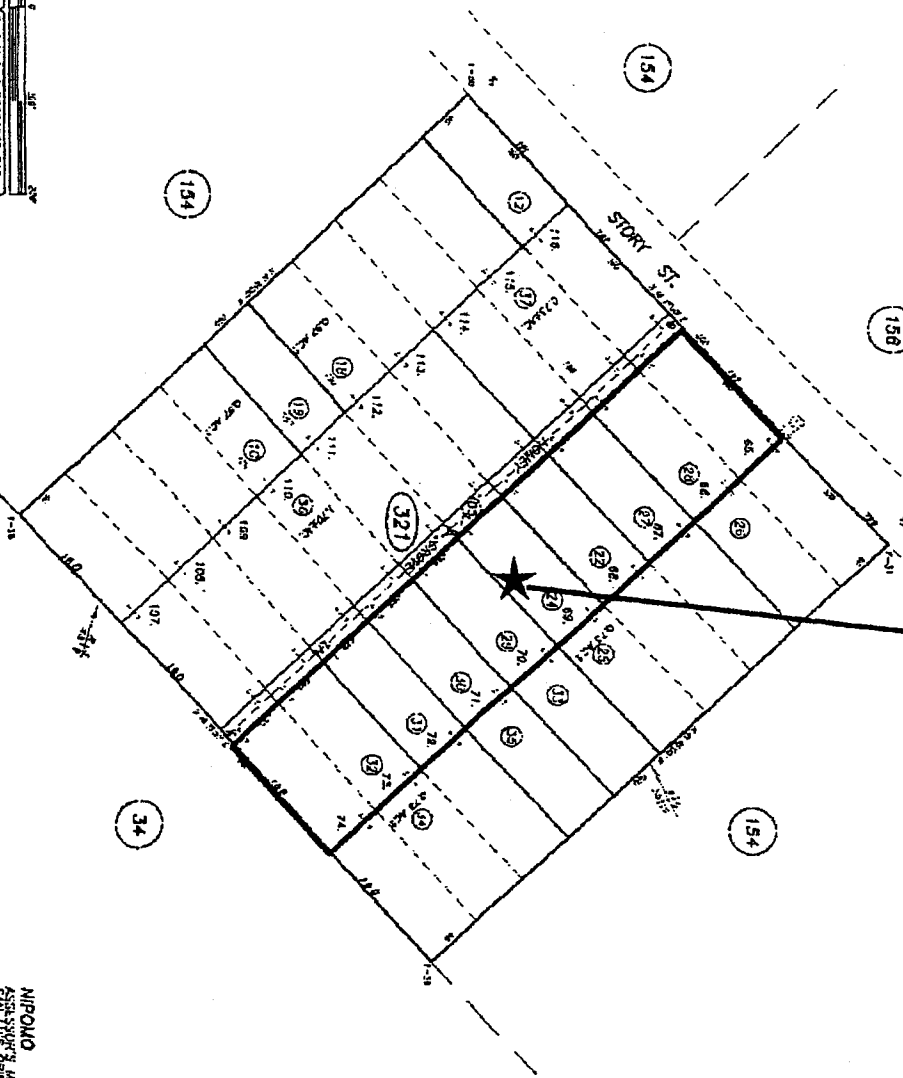
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REVISIONS	DATE	BY	WHAT

THIS MAP IS PREPARED FOR
ASSESSMENT PURPOSES ONLY.

SOUTHLAND TRACT OF THE RANCHO NIPOMO, R.M. BN. 1, PG. 25.

NIPOMO
ASSessor's MAP COUNTY OF
SAN LUIS OBISPO
BOOK 002 PAGE 32



SITE

092-32

Assessor's Parcel Map

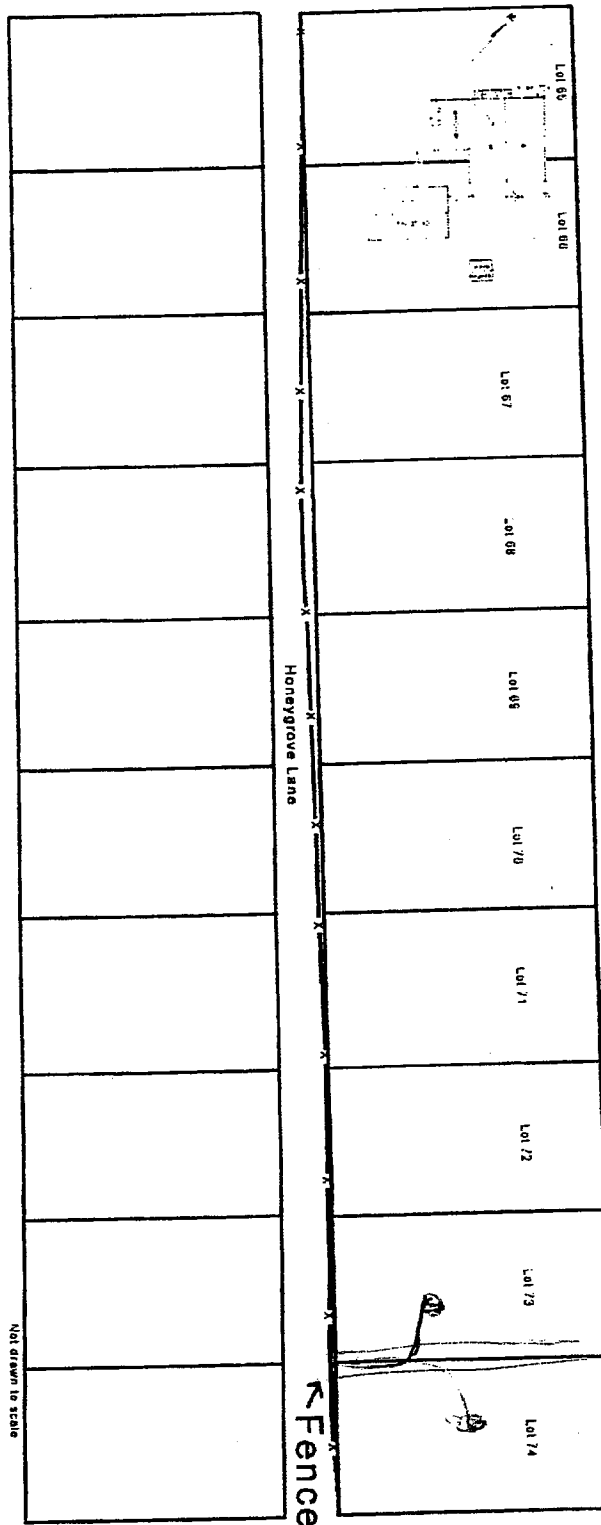
Carlton

S030174C, C03-0416

County of San Luis Obispo Department of Planning & Building

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Site Plan

Carlton

S030174C, C03-0416

County of San Luis Obispo Department of Planning & Building

Handwritten signature and initials.

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CONDITIONAL CERTIFICATE RE

11/22

Andrea Miller

FILE NUMBER: C03-0416 CARLON

FROM

☒

Public Works

☒

Environment

☒

CDF or Nipomo Fire District

☐

Ag Commissioner (in AG)

☒

Parks Department

☐

Airport Manager

☐

Cal Trans

☐

RWQCB

☐

APCD

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Nipomo Community Services Dist.

☐

Dept of Fish & Game

☒

Nipomo Community Advisory Group

☒

City of Nipomo

☒

So Cal Gas

☒

Pac Bell

☒

Postal Service

☒

Charter Cable TV

☒

PG&E

FROM

Larry Kelly & So County Planner, Department of Planning and Building

Please review the attached information for the above referenced Conditional Certificate of Compliance. Conditions can only be based on the date the applicant acquired their interest in the property.

The date is: Application submitted 11/19/2003.

Please provide conditions that would have applied to a tentative map applied for and approved on the above referenced date.

RESPONSE:

SUGGEST THE SAME CONDITIONS BE PLACED ON THIS APPLICATION AS ON C 03-2089, THE PROJECT ON THE OTHER SIDE OF HOLLY GROVE LN. THIS WILL ASSURE UNIFORM IMPROVEMENT STDS ON THIS SECTION OF ROAD.

16 Jan 2004

GOODWIN

PAGE 5252

Larry Kelly - 781-5799

Jo Manson - 781-4660

South Co. Team (781-5600 - operator / switchboard)

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C/3

Andrea Miller

CONDITIONAL CERTIFICATE REFERRAL

GENERAL SERVICES

2004 NOV -1 AM 10:06

13-0416 CARLON/(d Neighbors)

- TO ☒ Public Works ☒ Environmental Health
☒ CDF or Nipomo Fire District ☐ Ag Commissioner (in AG)
☒ Parks Department ☐ Airport Manager
☐ Cal Trans ☐ RWQCB
☐ APCD ☒ Nipomo Community Services Dist.
☐ Dept of Fish & Game ☒ Nipomo Community Advisory Group
☒ City of Nipomo ☒ So Cal Gas
☒ Pac Bell ☒ Postal Service
☒ Charter Cable TV
☒ PG&E

FROM: Larry Kelly d So County Planner, Department of Planning and Building

Please review the attached information for the above referenced Conditional Certificate of Compliance. Conditions can only be based on the date the applicant acquired their interest in the property.

The date is: Application submitted 11/19/2003.

Please provide conditions that would have applied to a tentative map applied for and approved on the above referenced date.

RESPONSE:

~~No con~~ Require payment of Quimby fees
for the creation of one residential
lot.

Larry Kelly - 781-5799

Jo Manson - 781-4660

South Co. Team (781-5600 - switchboard) operator/

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CONDITIONAL CERTIFICATE REFERRAL

NOV 02 2004

FILE NUMBER: C03-0416 CARLON / (a Neighborhood COMMUNITY DISTRICT)

- | | |
|--|--|
| TO <input checked="" type="checkbox"/> Public Works | <input checked="" type="checkbox"/> Environmental Health |
| <input checked="" type="checkbox"/> CDF or <u>Nipomo</u> Fire District | <input type="checkbox"/> Ag Commissioner (in AG) |
| <input checked="" type="checkbox"/> Parks Department | <input type="checkbox"/> Airport Manager |
| <input type="checkbox"/> Cal Trans | <input type="checkbox"/> RWQCB |
| <input type="checkbox"/> APCD | <input checked="" type="checkbox"/> <u>Nipomo</u> Community Services Dist. |
| <input type="checkbox"/> Dept of Fish & Game | <input checked="" type="checkbox"/> <u>Nipomo</u> Community Advisory Group |
| <input checked="" type="checkbox"/> City of <u>Nipomo</u> | <input checked="" type="checkbox"/> So Cal Gas |
| <input checked="" type="checkbox"/> Pac Bell | <input checked="" type="checkbox"/> Postal Service |
| <input checked="" type="checkbox"/> Charter Cable TV | |
| <input checked="" type="checkbox"/> PG&E | |

FROM: Larry Kelly & So County Planner, Department of Planning and Building.

Please review the attached information for the above referenced Conditional Certificate of Compliance. Conditions can only be based on the date the applicant acquired their interest in the property.

The date is: Application submitted 11/19/2003.

Please provide conditions that would have applied to a tentative map applied for and approved on the above referenced date.

RESPONSE:

Property owner needs to submit application
to Nipomo Community Services District.

RECEIVED

JAN 31 2005

Planning & Bldg

Larry Kelly - 781-5799
Jo Manson - 781-4660

South Co. Team (781-5600) - switchboard operator /

2-18



AM

CDF/San Luis Obispo County
Fire Department

635 N. Santa Rosa • San Luis Obispo • California, 93405

March 3, 2005

County of San Luis Obispo
Department of Planning/Building
County Government Center
San Luis Obispo, CA 93408

Dear South County Team,

CONDITIONAL CERTIFICATE OF COMPLIANCE

Name: *Carlton* Project Number: *CO 03-0416*

The Department has reviewed the fire conditional certificate of compliance submitted for the proposed 8 parcel subdivision project located Honey on Grove Ln., Nipomo. The property is located within high fire hazard severity area, and will require a minimum 5 minute response time from the nearest County Fire Station.

The owner of the project shall meet the minimum fire and life safety requirements of the California Fire Code (1998 edition) with amendments. This fire safety plan shall remain on the project site until final inspection. The following standards are required:

COMMUNITY WATER SYSTEM

- Emergency water supplies shall meet the minimum fire flow requirements as identified in the California Uniform Fire Code, Section 903.1, 903.2, 903.3 and 903.4 as amended, and in Appendix III-A.
- The proposed project shall provide a minimum 1000 gallons of water per minute for 120 minutes.
- The minimum water main size shall not be less than six (6) inches.
- Pressures may not be less than 20 psi, nor more than 150 psi (Appendix IIIA).

WATER SUPPLY CONNECTION

One fire hydrant shall be required.

- Fire hydrants are to be located with a maximum normal spacing of 500 feet as measured along vehicular travel ways.
- The County Fire Department will assist in hydrant placement and approve distribution system when plans are submitted.
- Fire hydrants shall have two, 2½-inch outlets with National Standard Fire thread, and one 4 inch suction outlet with National Standard Fire thread.
- The Chief shall approve other uses not identified.
- Signing: Each hydrant shall be identified by blue reflective dot.
 - (a) On a fire resistive post within 3 feet of fire hydrant.
 - (b) On a non-skid surface, center of roadway, to the fire hydrant side.

ACCESS

Access road width shall be 18 feet.

Driveway width shall be 10 feet.

All road and driveway surfaces shall be all weather.

All surfaces shall be constructed to meet a load capacity of 20 tons.

Any grade exceeding 12% shall be a non-skid surface.

ADDRESSING

Legible address numbers shall be placed on all residences.

Legible address numbers shall be located at the driveway entrance.

VEGETATION CLEARANCE

To provide safety and defensible space the following shall be required:

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

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On each side of roads and driveways a 10-foot fuelbreak shall be provided.
Maintain around all structures a 30-foot firebreak.

> This does not apply to landscaped areas and plants.

Remove any part of a tree that is within 10 feet of a chimney outlet.

Maintain any tree adjacent to or overhanging any building free of deadwood.

Maintain the roof of any structure free of leaves, needles or other dead vegetative growth.

FINAL INSPECTION

The project will require final inspection. Please allow five (5) working days for final inspection. When the safety requirements have been completed, call Fire Prevention at (805) 543-4244, extension 2220, to arrange for a final inspection. Currently Southern San Luis Obispo County inspections occur on Tuesdays and North County inspections occur on Thursdays.

Further information may be obtained from our website located at www.cdfslo.org - Planning and Engineering section. If we can provide additional information or assistance, please call (805) 543-4244.

Sincerely,



Gilbert R. Portillo

Fire Inspector

C: Ms. Rosemary Carlon, owner

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COUNTY OF SAN LUIS OBISPO

FOR OFFICIAL USE ONLY (AM)

MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

ENVIRONMENTAL DETERMINATION NO. ED04-352

DATE: March 31, 2005

PROJECT/ENTITLEMENT: Carlon Certificates of Compliance S030174C, C03-0416

APPLICANT NAME: Rosemary Carlon
ADDRESS: 769 Story Lane, Nipomo, CA 93444
CONTACT PERSON: Rosemary Carlon

Telephone: (805) 929-1753

PROPOSED USES/INTENT:

Request by Rosemary Carlon to recognize as legal eight existing parcels totaling 2.56 acres (consistent with the land use category) and to subdivide into 10 parcels of 10,500 square feet each for the sale and/or development of each proposed parcel, in the South County planning area.

LOCATION: the subject property is located on the southeast corner of Story Street and Honey Grove Lane, approximately 3,000 feet southwest of Highway 101, in the community of Nipomo.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: None

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST" FOR REVIEW" PERIOD ENDS AT 5 p.m. on April 14, 2005
(Circle one) 20-DAY 30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. SRB

This is to advise that the San Luis Obispo County SRB as Lead Agency
Responsible Agency approved/denied the above described project on 3-31-05 and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

Andrea Miller Proj. Mgr. 3-31-05 County of San Luis Obispo
Signature Title Date Public Agency

2-71
California Department of Fish and Game
CERTIFICATE OF FEE EXEMPTION
De Minimis Impact Finding

PROJECT TITLE & NUMBER: Carlton Certificate of Compliance S030174C C03-0416

Project Applicant Rosemary Carlton
Address: 769 Story Lane
City, State, Zip Code: Nipomo, CA 93444
Telephone #: (805) 929-1753

PROJECT DESCRIPTION/LOCATION: See attached Notice of Determination

FINDINGS OF EXEMPTION:

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

- ☐ The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.
- ☐ The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.
- ☒ The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.
- ☐ The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. _____
- ☐ Other: _____

CERTIFICATION:

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Ellen Carroll, Environmental Coordinator
County of San Luis Obispo

Date: _____



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COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Title & No: Carlton Certificate of Compliance S030174C, (CO3-0416),
ED04-352

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

- | | | |
|---|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Geology and Soils | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Transportation/Circulation |
| <input checked="" type="checkbox"/> Air Quality | <input type="checkbox"/> Noise | <input type="checkbox"/> Wastewater |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Water |
| <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Public Services/Utilities | <input type="checkbox"/> Land Use |
- ☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

<u>Andrea Miller</u>	<u>Andrea Miller</u>	<u>3/18/05</u>
Prepared by(Print)	Signature	Date
<u>Steve McMasters</u>	<u>Ellen Carroll</u>	<u>3/28/05</u>
Reviewed by(Print)	Signature (for)	Date

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Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: - Proposal by Rosemary Carlon for 10 Conditional Certificates to allow for 10 single family residential lots each 10,500 square feet in size. The lots were illegally subdivided in 1989 for APN 092-321-027, and 028, in 1978 for APN 092-321-022, in 1990 for APN 092-321-024, in 2002 for APN 092-321-029, in 1988 for APN 092-321-030, in 2003 for APN 092-321-031 and 032; the conditional certificates would bring the lots into compliance by establishing those lots as legal. The project is located at the southeast corner of Story and Honeygrove Lane, in the community of Nipomo, in the South County planning area.

ASSESSOR PARCEL NUMBER: 092-321-022, 024, 027-032 **SUPERVISORIAL DISTRICT #:** 4

B. EXISTING SETTING

PLANNING AREA: South County/Nipomo

LAND USE CATEGORY: Residential Single Family

COMBINING DESIGNATION(S): None

EXISTING USES: Two single family residences with the remaining undeveloped

TOPOGRAPHY: Gently sloping

VEGETATION: Grasses

PARCEL SIZE: 2.45 acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Suburban/Residences *East:* Residential Single Family/Residences

South: Residential Single Family/Residences *West:* Residential Single Family/Residences

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

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COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1. AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create an aesthetically incompatible site open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Introduce a use within a scenic view open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Change the visual character of an area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create glare or night lighting which may affect surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Impact unique geological or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located between Southland and Story Streets along Honeygrove Lane. The area is Residential Single Family. The proposed project would legally recognize the lots and in the future, they would have single family residences. The project is compatible with existing development in the vicinity as well as consistent with the land use designation.

Impact. No impacts to aesthetics are expected to occur.

Mitigation/Conclusion. The proposed project is consistent with the land use category and is not anticipated to conflict with any aesthetics, therefore no mitigation measures are necessary.

2. AGRICULTURAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Convert prime agricultural land to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Impair agricultural use of other property or result in conversion to other uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning or Williamson Act program?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The soil type is Oceano sand. As described in the NRCS Soil Survey, this soil is considered Class VI for "non-irrigated" soil, and Class IV for "irrigated" soil. No agricultural uses occur in the area of the project and it is surrounded by Residential Property.

City of San Luis Obispo
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Impact. No impacts to agricultural uses are expected to occur.

Mitigation/Conclusion. The proposed project is consistent with the land use category and is not anticipated to conflict with any agricultural uses, therefore no mitigation measures are necessary.

3. AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Expose any sensitive receptor to substantial air pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create or subject individuals to objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be inconsistent with the District's Clean Air Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below the threshold warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan (CAP). The CAP looks at the cumulative effects of county buildout, and is updated every three years with the intent to review and include programs, as needed, to bring the county into attainment for air quality.

Mitigation/Conclusion. Each new residence(s) will be subject to the South County Air Quality Mitigation fee, which is intended to partially mitigate the cumulative effects of new residential development within the South County planning area. This program funds several strategies within the South County to improve air quality and reduce single-occupant vehicles, by: attracting transit ridership through regional bus stop improvements; encouraging carpooling through park-and-ride lot improvements and ridesharing advertising; promoting the use of bicycles through bike lane installation; reducing dust through limited road paving of several unpaved roads; and by providing electronic information/services locally to reduce vehicle trip lengths.

In 1994, the South County Area Plan was adopted and associated EIR certified. As a part of that analysis, a cumulative assessment of the buildout impacts of the planning area was completed, which included the ultimate breakdown of the subject property as is currently proposed. While cumulative impacts to air quality was identified in the EIR as potentially significant and unavoidable, the findings recognized that the existing cumulative air quality mitigation program, combined with a slight improvement over the previous Area Plan buildout would offset some of these impacts.

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4. **BIOLOGICAL RESOURCES -**
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a loss of unique or special status species or their habitats?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Reduce the extent, diversity or quality of native or other important vegetation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Impact wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The property is located within the following habitats: urban areas. The Natural Diversity Database (2002) did not identify any sensitive species or habitats within close proximity of the proposed project.

Impact. No impacts to rare or threatened native vegetation are expected to occur.

Mitigation/Conclusion. The project site does not support any sensitive native vegetation, significant wildlife habitats, or special status species. Therefore, no significant biological impacts are expected to occur and no mitigation measures are necessary.

5. **CULTURAL RESOURCES -**
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Disturb pre-historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Disturb historic resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb paleontological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The project is located in the area historically occupied by the Obispeno Chumash. Previous surveys within the immediate vicinity did not identify any cultural or paleontological resources. No impacts to cultural or paleontological resources are expected to occur.

Mitigation/Conclusion. No mitigation measures beyond ordinance requirements are necessary because no historical structures are present and no cultural or paleontological resources exist on the project site.

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6. GEOLOGY AND SOILS -

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist Priolo)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Geology. The topography of the project ranges from (nearly level to moderately sloping to the east). The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered moderate. No active faulting is known to exist on or near the subject property. There is no evidence that measures above what will already be required by ordinance or code are needed. The project is not within a known area containing serpentine rock.

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Drainage. Nipomo Creek is found to the east of the property, less than 1 mile of the proposed development. The area proposed for development is outside of the 100-year Flood Hazard designation. As described in the NRCS Soil Survey, these soils are well drained. No specific measures above what will already be required by ordinance or code are considered necessary.

Sedimentation and Erosion. The soil type is Oceano sand, 0-9% slopes. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility and has a low shrink-swell characteristic.

There is no evidence that measures above what will already be required by ordinance or code will be needed.

Mitigation/Conclusion. No specific measure above what will already be required by ordinance or code for geology, drainage and/or sedimentation control will be needed, therefore no impacts are less than significant.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant impact	Not Applicable
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Interfere with an emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to safety risk associated with airport flight pattern?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create any other health hazard or potential hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Conclusion. The project is not located in an area of known hazardous material contamination and does not propose use of hazardous materials. No significant fire safety risk was identified. The project is not expected to conflict with any regional evacuation plan. No impacts as a result of hazards or hazardous materials are anticipated.

8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant impact	Not Applicable
a) Expose people to noise levels which exceed the County Noise Element thresholds?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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C-1
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8. NOISE - Will the project:

- b) Generate increases in the ambient noise levels for adjoining areas?
- c) Expose people to severe noise or vibration?
- d) Other _____

Potentially Significant Impact can & will be mitigated Insignificant Impact Not Applicable

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Conclusion. The project will not generate a significant impact or expose individuals to significant noise levels. No impacts to noise are expected to occur, therefore no mitigation measures are required.

9. POPULATION/HOUSING - Will the project:

- a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?
- b) Displace existing housing or people, requiring construction of replacement housing elsewhere?
- c) Create the need for substantial new housing in the area?
- d) Use substantial amount of fuel or energy?
- e) Other _____

Potentially Significant Impact can & will be mitigated Insignificant Impact Not Applicable

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Conclusion. The project will not result in a need for a significant amount of new housing, and will not displace existing housing. Therefore, no significant population and housing impacts are expected to occur.

10. PUBLIC SERVICES/UTILITIES - Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

- a) Fire protection?
- b) Police protection (e.g., Sheriff, CHP)?

Potentially Significant Impact can & will be mitigated Insignificant Impact Not Applicable

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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10. **PUBLIC SERVICES/UTILITIES -**
Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

Potentially Significant Impact can & will be mitigated Insignificant Impact Not Applicable

- | | | | | |
|-----------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| c) Schools? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Roads? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Solid Wastes? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Other _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Setting. The closest CDF fire station is the Nipomo station, which is about 3.5 miles from the proposed project. The closest Sheriff substation is in Oceano, which is about 11 miles from the proposed project.

Impact. The proposed project will have cumulative/public service impacts in the following area: traffic, fire and police/sheriff protection, and schools. To minimize traffic impacts, the applicant is subject to a "fair share" fee for each new residences based on the County Public Works Department Fee Schedule. For fire and police/sheriff protection, the applicant is subject to a "fair share" fee through the Countywide Public Facilities fee program.

To minimize impacts to the school system, the State requires that proposed project contribute its "fair share" based on the structure's square footage. In addition, the recent passage of Proposition 1A along with Senate Bill SB50, provides for a \$9.2 billion dollar state bond statewide for facility improvements of public school districts and California institutions of higher learning. These new laws also prohibit the county from imposing any fees or other requirements not specified in these statutes, as well as not allowing the county to deny or condition a project based on inadequate school facilities.

Mitigation/Conclusion. Public facilities and school fee programs are required to address impacts to public facilities and will reduce the cumulative impact to a level of insignificance.

11. **RECREATION - Will the project:**

Potentially Significant Impact can & will be mitigated Insignificant Impact Not Applicable

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Increase the use or demand for parks or other recreation opportunities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Affect the access to trails, parks or other recreation opportunities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Other _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Setting. The County Trails Plan does not show a future trail being considered on the subject property, therefore no mitigation measures are necessary.

2-31

12. **TRANSPORTATION/ CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or areawide circulation system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Reduce existing "Levels of Service" on public roadway(s)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Provide for adequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate internal traffic circulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Result in a change in air traffic patterns that may result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Mitigation/Conclusion - Future development will access onto Southland Street. Southland Street is a two-lane local road that was paved a few years ago. This roadway is operating at acceptable levels of service. This project, along with other projects in the area, will result in cumulative impacts to area traffic/circulation. Road Fees collected will fund areawide traffic improvements. Payment of those fees will mitigate cumulative traffic impacts. Based on the proposed project and implementation of the proposed mitigation measures relating to traffic, individual and cumulative impacts will be reduced to less than significant levels.

13. **WASTEWATER - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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13. WASTEWATER - Will the project:

- b) Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?
- c) Adversely affect community wastewater service provider?
- d) Other _____

Potentially Significant Impact can & will be mitigated Insignificant Impact Not Applicable

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Mitigation/Conclusion. The project's waste disposal needs will be served by the Nipomo Community Services District. Therefore, no special measures are needed and potential impacts are considered less than significant.

14. WATER - Will the project:

- a) Violate any water quality standards?
- b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?
- c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?
- g) Change the quantity or movement of available surface or ground water?
- e) Adversely affect community water service provider?
- f) Other _____

Potentially Significant Impact can & will be mitigated Insignificant Impact Not Applicable

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project proposes the use of water for 10 lots. The Nipomo Community Services District currently serves two single family residences.

Impact - Water Usage. The project proposes to use community service (NCSD) as its water source. Based on the project description, as shown above, a reasonable "worst case" indoor water usage would likely be about 3.3 acre-feet/year (afy):

10 residential lots (.33 per unit) X 10 lots = 3.3 afy

Source: "City of Santa Barbara Water Demand Factor & Conservation Study 'User Guide'" (Aug., 1989)

Surface Water Quality. The nearest down-gradient blue line creek or water body is approximately 1 mile from the proposed project. The topography of the site is gently sloping. Standard drainage and

2-33

erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

Mitigation/Conclusion. A will-serve letter from the Nipomo Community Services District will be required prior to building permit issuance. No additional measures are considered necessary and potential water quality impacts are either insignificant or will be reduced to less than significant levels.

15. LAND USE -	Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a)	Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Be potentially inconsistent with any habitat or community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Be potentially incompatible with surrounding land uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g. County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to several agencies for various policy consistencies. The project was found to be consistent with these documents. No impacts to land use consistency are found in review of the project.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
--	-------------------------	--------------------------------	----------------------	----------------

- a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant

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or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

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- b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project's, and the effects of probable future projects

☐ ☒ ☐ ☐

- c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

☐ ☐ ☒ ☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.slocoplanbldg.com" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

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Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an "X") and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<u>X</u>	County Public Works Department	In File *
<u> </u>	County Environmental Health Division	Not Applicable
<u> </u>	County Agricultural Commissioner's Office	Not Applicable
<u> </u>	County Airport Manager	Not Applicable
<u> </u>	Airport Land Use Commission	Not Applicable
<u> </u>	Air Pollution Control District	Not Applicable
<u> </u>	County Sheriff's Department	Not Applicable
<u> </u>	Regional Water Quality Control Board	Not Applicable
<u> </u>	CA Coastal Commission	Not Applicable
<u> </u>	CA Department of Fish and Game	Not Applicable
<u>X</u>	CA Department of Forestry	Not Applicable
<u> </u>	CA Department of Transportation	Not Applicable
<u>X</u>	Nipomo Community Service District	In File *
<u>X</u>	Other Parks Department	In File *

* "No comment" or "No concerns"-type responses are usually not attached

The following checked ("✓") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<u>✓</u> Project File for the Subject Application	<u> </u> Area Plan and Update EIR
<u>County documents</u>	<u> </u> Circulation Study
<u> </u> Airport Land Use Plans	<u>Other documents</u>
<u>✓</u> Annual Resource Summary Report	<u>✓</u> Archaeological Resources Map
<u> </u> Building and Construction Ordinance	<u>✓</u> Area of Critical Concerns Map
<u> </u> Coastal Policies	<u>✓</u> Areas of Special Biological Importance Map
<u>✓</u> Framework for Planning (Coastal & Inland)	<u>✓</u> California Natural Species Diversity Database
<u>✓</u> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<u>✓</u> Clean Air Plan
<u> </u> <u>✓</u> Agriculture & Open Space Element	<u>✓</u> Fire Hazard Severity Map
<u> </u> <u>✓</u> Energy Element	<u>✓</u> Flood Hazard Maps
<u> </u> <u>✓</u> Environment Plan (Conservation, Historic and Esthetic Elements)	<u>✓</u> Natural Resources Conservation Service Soil Survey for San Luis Obispo County
<u> </u> <u>✓</u> Housing Element	<u>✓</u> Regional Transportation Plan
<u> </u> <u>✓</u> Noise Element	<u>✓</u> Uniform Fire Code
<u> </u> Parks & Recreation Element	<u>✓</u> Water Quality Control Plan (Central Coast Basin - Region 3)
<u> </u> <u>✓</u> Safety Element	<u> </u> Other <u> </u>
<u>✓</u> Land Use Ordinance	<u> </u> Other <u> </u>
<u> </u> Real Property Division Ordinance	
<u> </u> Trails Plan	
<u> </u> Solid Waste Management Plan	

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Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for the the proposed project. With respect to the subject application, the following have been cot with an "X") and when a response was made, it is either attached or in the application f

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<u>X</u>	County Public Works Department	In File *
<u> </u>	County Environmental Health Division	Not Applical
<u> </u>	County Agricultural Commissioner's Office	Not Applical
<u> </u>	County Airport Manager	Not Applical
<u> </u>	Airport Land Use Commission	Not Applical
<u> </u>	Air Pollution Control District	Not Applical
<u> </u>	County Sheriff's Department	Not Applical
<u> </u>	Regional Water Quality Control Board	Not Applical
<u> </u>	CA Coastal Commission	Not Applical
<u> </u>	CA Department of Fish and Game	Not Applical
<u>X</u>	CA Department of Forestry	Not Applical
<u> </u>	CA Department of Transportation	Not Applical
<u>X</u>	Nipomo Community Service District	In File *
<u>X</u>	Other Parks Department	In File *

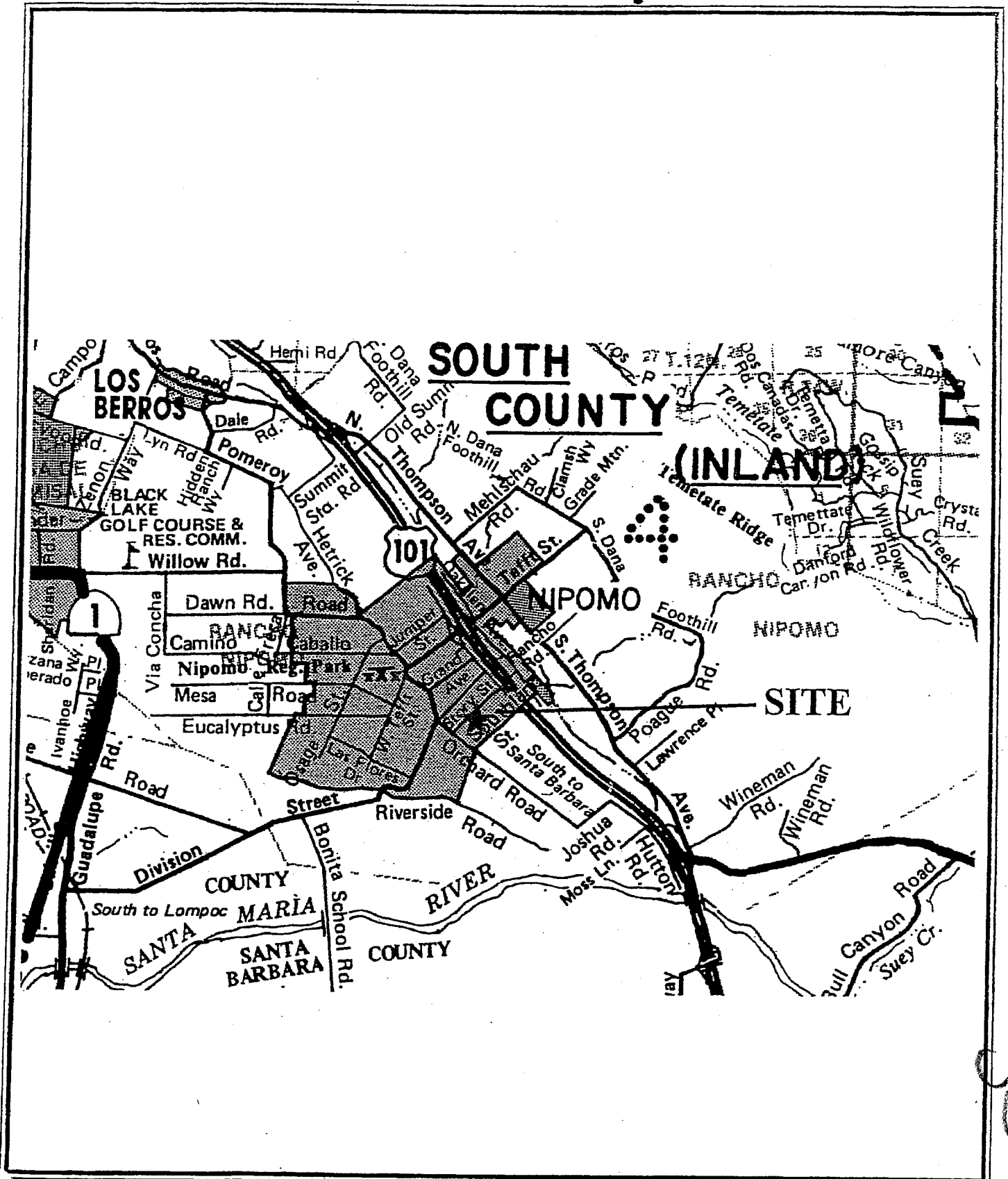
* "No comment" or "No concerns"-type responses are usually not attached

The following checked ("✓") reference materials have been used in the environment: proposed project and are hereby incorporated by reference into the Initial Study. information is available at the County Planning and Building Department.

<u>✓</u> Project File for the Subject Application	<u> </u> <u> </u> Area Plan and
<u>County documents</u>	<u> </u> <u> </u> Circulation St
<u> </u> Airport Land Use Plans	<u>Other documents</u>
<u>✓</u> Annual Resource Summary Report	<u>✓</u> Archaeological Resol
<u> </u> Building and Construction Ordinance	<u>✓</u> Area of Critical Conce
<u> </u> Coastal Policies	<u>✓</u> Areas of Specia
<u>✓</u> Framework for Planning (Coastal & Inland)	<u> </u> Importance Map
<u>✓</u> General Plan (Inland & Coastal), including all	<u>✓</u> California Natural Sp
maps & elements; more pertinent elements	<u> </u> Database
considered include:	<u>✓</u> Clean Air Plan
<u>✓</u> Agriculture & Open Space Element	<u>✓</u> Fire Hazard Severity
<u>✓</u> Energy Element	<u>✓</u> Flood Hazard Maps
<u>✓</u> Environment Plan (Conservation,	<u>✓</u> Natural Resources C
Historic and Esthetic Elements)	<u> </u> Service Soil Survey
<u>✓</u> Housing Element	<u> </u> Obispo County
<u>✓</u> Noise Element	<u>✓</u> Regional Transportat
<u> </u> Parks & Recreation Element	<u>✓</u> Uniform Fire Code
<u>✓</u> Safety Element	<u>✓</u> Water Quality Contrc
<u>✓</u> Land Use Ordinance	<u> </u> Coast Basin - Region
<u> </u> Real Property Division Ordinance	<u> </u> Other <u> </u>
<u> </u> Trails Plan	<u> </u> Other <u> </u>
<u> </u> Solid Waste Management Plan	

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Carlton

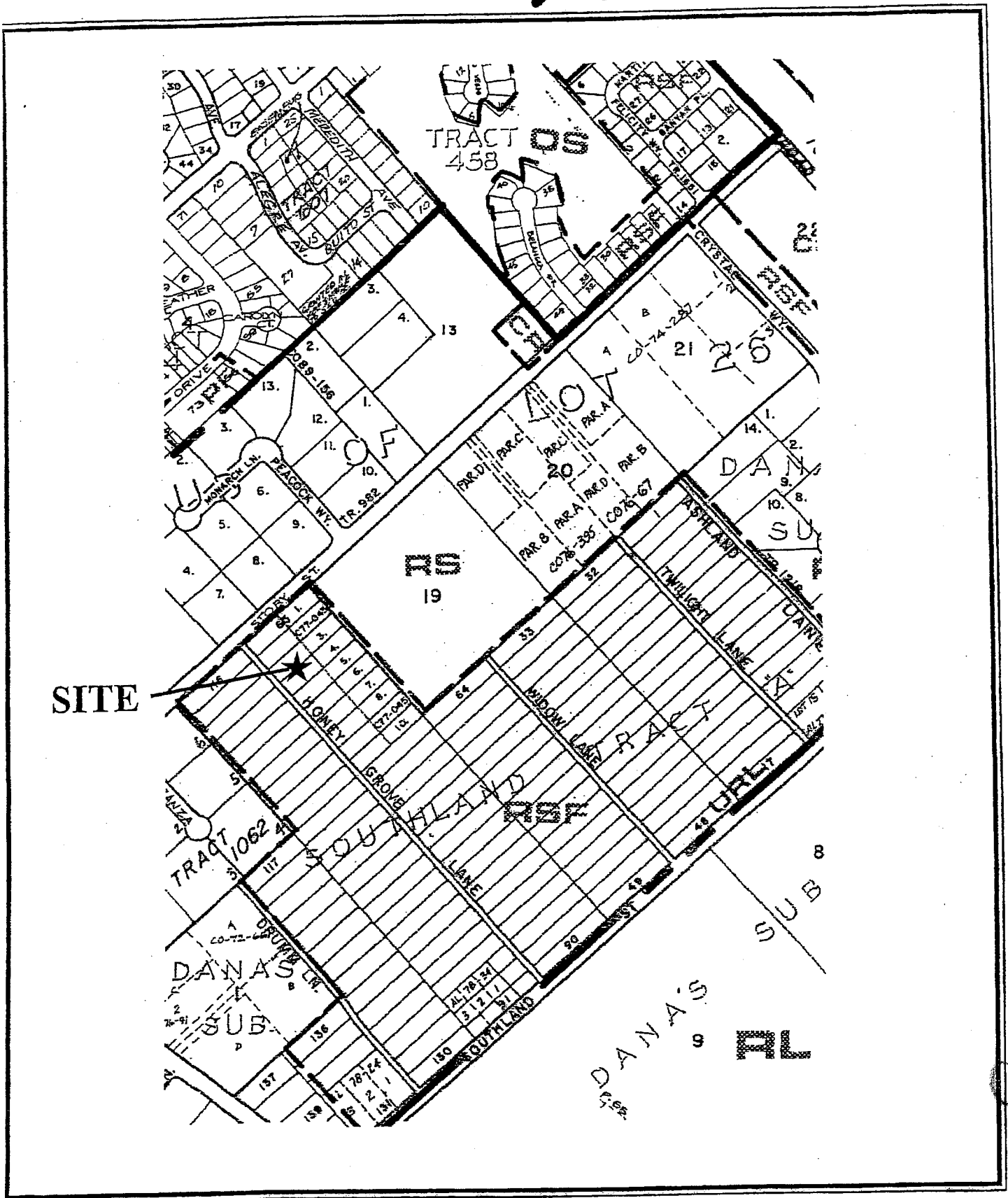
S030174C, C03-0416

County of San Luis Obispo Department of Planning & Building

Vicinity Map

Handwritten notes and signatures at the bottom right of the page, including the number '68' and a signature.

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Carlton

S030174C, C03-0416

County of San Luis Obispo Department of Planning & Building

Landuse Map

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**RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY**

WHEN RECORDED, RETURN TO:

Director of Planning & Building
County Government Center
San Luis Obispo, California 93408
ATTN: Larry W. Kelly

APN(S): 092-321-028 Portion
PROJECT/PCL NO: C2004-416/1 FILE NO: S030174C



CONDITIONAL CERTIFICATE OF COMPLIANCE

California Government Code Section 66499.35(b)

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be NOT in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

All of the following conditions shall be fulfilled and implemented prior to the issuance of any required permits or other grant of approval for development of the parcel of real property described herein:

As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, and is described as follows:

As described in Exhibit B attached to this certificate and incorporated herein as if set forth in full.

RECORD OWNER(S):

Maximo J. Carlon and Rosemary Carlon,
Husband and Wife, as Joint Tenants.

STATE OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

)

) SS

)

(SEAL)

VICTOR HOLANDA

Director, Department of Planning and Building

By: _____
Larry W. Kelly, Senior Planner

On this _____ day of _____, in the year 2004,
before me, Mary L. Velarde, Notary Public, personally

appeared _____,
personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me
that, he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s) or the entity upon behalf of which the
person(s) acted, executed the instrument.

Witness my hand and official seal.

Mary L. Velarde, Notary Public

APN(S): 092-321-026 Portion
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 1

EXHIBIT A
Conditions

CONDITIONS TO BE SET BY THE SAN LUIS OBISPO COUNTY SUBDIVISION REVIEW BOARD

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C-2004-416

APN(S): 092-321-028 Portion
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 1

EXHIBIT B
Legal Description

Lot 65 in Block A of the Southland Tract, in the County of San Luis Obispo, State of California, according to map recorded September 12, 1911 in Book 1, Page 25 of Maps, in the Office of the County Recorder of said County.

EXCEPTING THEREFROM the Northeasterly 160 feet of said Lot.

ALSO EXCEPTING THEREFROM the Southwesterly 10 feet of said land described in the deed to the County of San Luis Obispo, recorded December 26, 1962 in Book 1217, Page 704 of Official Records in the Office of the County Recorder of said County.

C-1
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C-2
72

**RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY**

WHEN RECORDED, RETURN TO:

**Director of Planning & Building
County Government Center
San Luis Obispo, California 93408
ATTN: Larry W. Kelly**

APN(S): 092-321-028 Portion FILE NO: S030174C
PROJECT/PCL NO: C2004-416/2



CONDITIONAL CERTIFICATE OF COMPLIANCE

California Government Code Section 66499.35(b)

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be NOT in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

All of the following conditions shall be fulfilled and implemented prior to the issuance of any required permits or other grant of approval for development of the parcel of real property described herein:

As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, and is described as follows:

As described in Exhibit B attached to this certificate and incorporated herein as if set forth in full.

RECORD OWNER(S):

Maximo J. Carlon and Rosemary Carlon,
Husband and Wife, as Joint Tenants.

STATE OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

)
) SS
)

(SEAL)

VICTOR HOLANDA

Director, Department of Planning and Building

By: _____
Larry W. Kelly, Senior Planner

On this _____ day of _____, in the year 2004,
before me, Mary L. Velarde, Notary Public, personally

appeared _____,
personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me
that, he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s) or the entity upon behalf of which the
person(s) acted, executed the instrument.

Witness my hand and official seal.

Mary L. Velarde, Notary Public

Handwritten signature and initials of Mary L. Velarde.

APN(S): 092-321-028 Portion
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 2

EXHIBIT A
Conditions

CONDITIONS TO BE SET BY THE SAN LUIS OBISPO COUNTY SUBDIVISION REVIEW BOARD

C. J.
C. J.

APN(S): 092-321-028 Portion
PROJECT NO: C2004-418

FILE NO: S030174C
PARCEL NO: 2

EXHIBIT B
Legal Description

Lot 66 in Block A of the Southland Tract, in the County of San Luis Obispo, State of California, according to map recorded September 12, 1911 in Book 1, Page 25 of Maps, in the Office of the County Recorder of said County.

EXCEPTING THEREFROM the Northeasterly 160 feet of said Lot.

ALSO EXCEPTING THEREFROM the Southwesterly 10 feet of said land described in the deed to the County of San Luis Obispo, recorded December 26, 1962 in Book 1217, Page 704 of Official Records in the Office of the County Recorder of said County.

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**RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY**

WHEN RECORDED, RETURN TO:

Director of Planning & Building
County Government Center
San Luis Obispo, California 93408
ATTN: Larry W. Kelly

APN(S): 092-321-027

PROJECT/PCL NO: C2004-416/3

FILE NO: S030174C



CONDITIONAL CERTIFICATE OF COMPLIANCE

California Government Code Section 66499.35(b)

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be NOT in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

All of the following conditions shall be fulfilled and implemented prior to the issuance of any required permits or other grant of approval for development of the parcel of real property described herein:

As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, and is described as follows:

As described in Exhibit B attached to this certificate and incorporated herein as if set forth in full.

RECORD OWNER(S):

Maximo J. Carlon and Rosemary Carlon,
Husband and Wife, as Joint Tenants.

STATE OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

)
) SS
)

(SEAL)

VICTOR HOLANDA

Director, Department of Planning and Building

By: _____

Larry W. Kelly, Senior Planner

On this _____ day of _____, in the year 2004,
before me, Mary L. Velarde, Notary Public, personally

appeared _____,
personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me
that, he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s) or the entity upon behalf of which the
person(s) acted, executed the instrument.

Witness my hand and official seal.

Mary L. Velarde, Notary Public

APN(S): 092-321-027
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 3

EXHIBIT A
Conditions

CONDITIONS TO BE SET BY THE SAN LUIS OBISPO COUNTY SUBDIVISION REVIEW BOARD

5/2/04

APN(S): 092-321-027
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 3

EXHIBIT B
Legal Description

Lot 67 in Block A of the Southland Tract, in the County of San Luis Obispo, State of California, according to map recorded September 12, 1911 in Book 1, Page 25 of Maps, in the Office of the County Recorder of said County.

EXCEPTING THEREFROM the Northeasterly 160 feet of said Lot.

ALSO EXCEPTING THEREFROM the Southwesterly 10 feet of said land described in the deed to the County of San Luis Obispo, recorded December 26, 1962 in Book 1217, Page 704 of Official Records in the Office of the County Recorder of said County.

5/14/05
C/S

**RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY**

WHEN RECORDED, RETURN TO:

Director of Planning & Building
County Government Center
San Luis Obispo, California 93408
ATTN: Larry W. Kelly

APN(S): 092-321-022
PROJECT/PCL NO: C2004-416/4 FILE NO: S030174C



CONDITIONAL CERTIFICATE OF COMPLIANCE

California Government Code Section 66499.35(b)

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be NOT in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

All of the following conditions shall be fulfilled and implemented prior to the issuance of any required permits or other grant of approval for development of the parcel of real property described herein:

As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, and is described as follows:

As described in Exhibit B attached to this certificate and incorporated herein as if set forth in full.

RECORD OWNER(S):

Miguel Diaz and Maria D, Diaz, Husband and
Wife, as Joint Tenants.

STATE OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

)
) SS
)

(SEAL)

VICTOR HOLANDA

Director, Department of Planning and Building

By: _____
Larry W. Kelly, Senior Planner

On this _____ day of _____, in the year 2004,
before me, Mary L. Velarde, Notary Public, personally

appeared _____,
personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me
that, he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s) or the entity upon behalf of which the
person(s) acted, executed the instrument.

Witness my hand and official seal.

Mary L. Velarde, Notary Public

Handwritten signature and initials of Mary L. Velarde, Notary Public.

APN(S): 092-321-022
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 4

EXHIBIT A
Conditions

CONDITIONS TO BE SET BY THE SAN LUIS OBISPO COUNTY SUBDIVISION REVIEW BOARD

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C-16

APN(S): 092-321-022
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 4

EXHIBIT B
Legal Description

Lot 68 in Block A of the Southland Tract, in the County of San Luis Obispo, State of California, according to map recorded September 12, 1911 in Book 1, Page 25 of Maps, in the Office of the County Recorder of said County.

EXCEPTING THEREFROM the Northeasterly 160 feet of said Lot.

ALSO EXCEPTING THEREFROM the Southwesterly 10 feet of said land described in the deed to the County of San Luis Obispo, recorded December 26, 1962 in Book 1217, Page 704 of Official Records in the Office of the County Recorder of said County.

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**RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY**

WHEN RECORDED, RETURN TO:

**Director of Planning & Building
County Government Center
San Luis Obispo, California 93408
ATTN: Larry W. Kelly**

APN(S): 092-321-024
PROJECT/PCL NO: C2004-416/B FILE NO: S030174C



CONDITIONAL CERTIFICATE OF COMPLIANCE

California Government Code Section 66499.35(b)

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be NOT in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

All of the following conditions shall be fulfilled and implemented prior to the issuance of any required permits or other grant of approval for development of the parcel of real property described herein:

As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, and is described as follows:

As described in Exhibit B attached to this certificate and incorporated herein as if set forth in full.

RECORD OWNER(S):

Juanita Ybarra, a Widow.

STATE OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

)
) SS
)

(SEAL)

VICTOR HOLANDA

Director, Department of Planning and Building

By: _____

Larry W. Kelly, Senior Planner

On this _____ day of _____, in the year 2004,
before me, Mary L. Velarde, Notary Public, personally

appeared _____,
personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me
that, he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s) or the entity upon behalf of which the
person(s) acted, executed the instrument.

Witness my hand and official seal.

Mary L. Velarde, Notary Public

APN(S): 092-321-024
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 5

EXHIBIT A
Conditions

CONDITIONS TO BE SET BY THE SAN LUIS OBISPO COUNTY SUBDIVISION REVIEW BOARD

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C-10

APN(S): 092-321-024
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 5

EXHIBIT B
Legal Description

Lot 69 in Block A of the Southland Tract, in the County of San Luis Obispo, State of California, according to map recorded September 12, 1911 in Book 1, Page 25 of Maps, in the Office of the County Recorder of said County.

EXCEPTING THEREFROM the Northeasterly 160 feet of said Lot.

ALSO EXCEPTING THEREFROM the Southwesterly 10 feet of said land described in the deed to the County of San Luis Obispo, recorded December 26, 1962 in Book 1217, Page 704 of Official Records in the Office of the County Recorder of said County.

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**RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY**

WHEN RECORDED, RETURN TO:

**Director of Planning & Building
County Government Center
San Luis Obispo, California 93408
ATTN: Larry W. Kelly**

APN(S): 092-321-029
PROJECT/PCL NO: C2004-416/6 FILE NO: S030174C



CONDITIONAL CERTIFICATE OF COMPLIANCE

California Government Code Section 66499.35(b)

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be NOT in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

All of the following conditions shall be fulfilled and implemented prior to the issuance of any required permits or other grant of approval for development of the parcel of real property described herein:

As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, and is described as follows:

As described in Exhibit B attached to this certificate and incorporated herein as if set forth in full.

RECORD OWNER(S):

Juanita Ybarra, a Widow.

STATE OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

)
) SS
)

(SEAL)

VICTOR HOLANDA

Director, Department of Planning and Building

By: _____
Larry W. Kelly, Senior Planner

On this _____ day of _____, in the year 2004,
before me, Mary L. Velarde, Notary Public, personally

appeared _____,
personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me
that, he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s) or the entity upon behalf of which the
person(s) acted, executed the instrument.

Witness my hand and official seal.

Mary L. Velarde, Notary Public

APN(S): 092-321-029
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 6

EXHIBIT A
Conditions

CONDITIONS TO BE SET BY THE SAN LUIS OBISPO COUNTY SUBDIVISION REVIEW BOARD

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APN(S): 092-321-029
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 6

EXHIBIT B
Legal Description

Lot 70 in Block A of the Southland Tract, in the County of San Luis Obispo, State of California, according to map recorded September 12, 1911 in Book 1, Page 25 of Maps, in the Office of the County Recorder of said County.

EXCEPTING THEREFROM the Northeasterly 160 feet of said Lot.

ALSO EXCEPTING THEREFROM the Southwesterly 10 feet of said land described in the deed to the County of San Luis Obispo, recorded December 26, 1962 in Book 1217, Page 704 of Official Records in the Office of the County Recorder of said County.

Handwritten signature/initials

**RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY**

WHEN RECORDED, RETURN TO:

Director of Planning & Building
County Government Center
San Luis Obispo, California 93408
ATTN: Larry W. Kelly

APN(S): 092-321-030
PROJECT/PCL NO: C2004-416/7 FILE NO: S030174C



CONDITIONAL CERTIFICATE OF COMPLIANCE

California Government Code Section 66499.35(b)

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be NOT in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

All of the following conditions shall be fulfilled and implemented prior to the issuance of any required permits or other grant of approval for development of the parcel of real property described herein:

As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, and is described as follows:

As described in Exhibit B attached to this certificate and incorporated herein as if set forth in full.

RECORD OWNER(S):

Heirs of Albert Ybarra.

STATE OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

)
) SS
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(SEAL)

VICTOR HOLANDA

Director, Department of Planning and Building

By: _____
Larry W. Kelly, Senior Planner

On this _____ day of _____, in the year 2004,
before me, Mary L. Velarde, Notary Public, personally

appeared _____,
personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me
that, he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s) or the entity upon behalf of which the
person(s) acted, executed the instrument.

Witness my hand and official seal.

Mary L. Velarde, Notary Public

APN(S): 092-321-030
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 7

EXHIBIT A
Conditions

CONDITIONS TO BE SET BY THE SAN LUIS OBISPO COUNTY SUBDIVISION REVIEW BOARD

Handwritten:
C2004-416
S030174C
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APN(S): 092-321-030
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 7

EXHIBIT B
Legal Description

Lot 71 in Block A of the Southland Tract, in the County of San Luis Obispo, State of California, according to map recorded September 12, 1911 in Book 1, Page 25 of Maps, in the Office of the County Recorder of said County.

EXCEPTING THEREFROM the Northeasterly 160 feet of said Lot.

ALSO EXCEPTING THEREFROM the Southwesterly 10 feet of said land described in the deed to the County of San Luis Obispo, recorded December 26, 1962 in Book 1217, Page 704 of Official Records in the Office of the County Recorder of said County.

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**RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY**

WHEN RECORDED, RETURN TO:

Director of Planning & Building
County Government Center
San Luis Obispo, California 93408
ATTN: Larry W. Kelly

APN(S): 092-321-031
PROJECT/PCL NO: C2004-416/B FILE NO: S030174C



CONDITIONAL CERTIFICATE OF COMPLIANCE

California Government Code Section 66499.35(b)

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be NOT in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

All of the following conditions shall be fulfilled and implemented prior to the issuance of any required permits or other grant of approval for development of the parcel of real property described herein:

As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, and is described as follows:

As described in Exhibit B attached to this certificate and incorporated herein as if set forth in full.

RECORD OWNER(S):

Irene Y. Castillo, a Single Woman

STATE OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

)
) SS
)

(SEAL)

VICTOR HOLANDA

Director, Department of Planning and Building

By: _____
Larry W. Kelly, Senior Planner

On this _____ day of _____, in the year 2004,
before me, Mary L. Velarde, Notary Public, personally

appeared _____,
personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me
that, he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s) or the entity upon behalf of which the
person(s) acted, executed the instrument.

Witness my hand and official seal.

Mary L. Velarde, Notary Public

APN(S): 092-321-031
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 8

EXHIBIT A

Conditions

CONDITIONS TO BE SET BY THE SAN LUIS OBISPO COUNTY SUBDIVISION REVIEW BOARD

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APN(S): 092-321-031
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 8

EXHIBIT B
Legal Description

Lot 72 in Block A of the Southland Tract, in the County of San Luis Obispo, State of California, according to map recorded September 12, 1911 in Book 1, Page 25 of Maps, in the Office of the County Recorder of said County.

EXCEPTING THEREFROM the Northeasterly 160 feet of said Lot.

ALSO EXCEPTING THEREFROM the Southwesterly 10 feet of said land described in the deed to the County of San Luis Obispo, recorded December 26, 1962 in Book 1217, Page 704 of Official Records in the Office of the County Recorder of said County.

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**RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY**

WHEN RECORDED, RETURN TO:

**Director of Planning & Building
County Government Center
San Luis Obispo, California 93408
ATTN: Larry W. Kelly**

APN(S): 092-321-032 Portion
PROJECT/PCL NO: C2004-416/9 FILE NO: S030174C



CONDITIONAL CERTIFICATE OF COMPLIANCE

California Government Code Section 66499.35(b)

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be NOT in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

All of the following conditions shall be fulfilled and implemented prior to the issuance of any required permits or other grant of approval for development of the parcel of real property described herein:

As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, and is described as follows:

As described in Exhibit B attached to this certificate and incorporated herein as if set forth in full.

RECORD OWNER(S):

See Exhibit "C" for Ownership Vesting.

STATE OF CALIFORNIA

COUNTY OF SAN LUIS OBISPO

)
) SS
)

(SEAL)

VICTOR HOLANDA

Director, Department of Planning and Building

By: _____
Larry W. Kelly, Senior Planner

On this _____ day of _____, in the year 2004,
before me, Mary L. Velarde, Notary Public, personally

appeared _____,
personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me
that, he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s) or the entity upon behalf of which the
person(s) acted, executed the instrument.

Witness my hand and official seal.

Mary L. Velarde, Notary Public

APN(S): 092-321-032 Portion
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 9

EXHIBIT A
Conditions

CONDITIONS TO BE SET BY THE SAN LUIS OBISPO COUNTY SUBDIVISION REVIEW BOARD

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APN(S): 092-321-032 Portion
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 9

EXHIBIT B
Legal Description

Lot 73 in Block A of the Southland Tract, in the County of San Luis Obispo, State of California, according to map recorded September 12, 1911 in Book 1, Page 25 of Maps, in the Office of the County Recorder of said County.

EXCEPTING THEREFROM the Northeasterly 160 feet of said Lot.

ALSO EXCEPTING THEREFROM the Southwesterly 10 feet of said land described in the deed to the County of San Luis Obispo, recorded December 26, 1962 in Book 1217, Page 704 of Official Records in the Office of the County Recorder of said County.

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APN(S): 092-321-032 Portion
PROJECT NO: C2004-418

FILE NO: S030174C
PARCEL NO: 9

EXHIBIT C
Ownership Vesting

Irene Y. Castillo, a Single Woman, as to an undivided 1/5 interest;

Juanita Ybarra, a Widow, as to an undivided 1/5 interest;

Rosemary Carlon, a Married Woman, as her Sole and Separate property as to an undivided 1/5 interest;

The Heirs of Albert M. Ybarra, as to an undivided 1/5 interest; and

Paul M. Ybarra, as to an undivided 1/5 interest, all as Tenants in Common.

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97

**RECORDING REQUESTED BY
SAN LUIS OBISPO COUNTY**

WHEN RECORDED, RETURN TO:

Director of Planning & Building
County Government Center
San Luis Obispo, California 93408
ATTN: Larry W. Kelly

APN(S): 092-321-032 Portion
PROJECT/PCL NO: C2004-416/10 FILE NO: S030174C



CONDITIONAL CERTIFICATE OF COMPLIANCE

California Government Code Section 66499.35(b)

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be NOT in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

All of the following conditions shall be fulfilled and implemented prior to the issuance of any required permits or other grant of approval for development of the parcel of real property described herein:

As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, and is described as follows:

As described in Exhibit B attached to this certificate and incorporated herein as if set forth in full.

RECORD OWNER(S):

See Exhibit "C" for Ownership Vesting.

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN LUIS OBISPO)

(SEAL)

VICTOR HOLANDA

Director, Department of Planning and Building

By: _____
Larry W. Kelly, Senior Planner

On this _____ day of _____, in the year 2004,
before me, Mary L. Velarde, Notary Public, personally

appeared _____,
personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me
that, he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s) or the entity upon behalf of which the
person(s) acted, executed the instrument.

Witness my hand and official seal.

Mary L. Velarde, Notary Public

Handwritten signatures and initials, including "C-1" and "98".

APN(S): 092-321-032 Portion
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 10

EXHIBIT A
Conditions

CONDITIONS TO BE SET BY THE SAN LUIS OBISPO COUNTY SUBDIVISION REVIEW BOARD

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APN(S): 092-321-032 Portion
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 10

EXHIBIT B

Legal Description

Lot 74 in Block A of the Southland Tract, in the County of San Luis Obispo, State of California, according to map recorded September 12, 1911 in Book 1, Page 25 of Maps, in the Office of the County Recorder of said County.

EXCEPTING THEREFROM the Northeasterly 160 feet of said Lot.

ALSO EXCEPTING THEREFROM the Southwesterly 10 feet of said land described in the deed to the County of San Luis Obispo, recorded December 26, 1962 in Book 1217, Page 704 of Official Records in the Office of the County Recorder of said County.

400 4/8

APN(S): 092-321-032 Portion
PROJECT NO: C2004-416

FILE NO: S030174C
PARCEL NO: 9

EXHIBIT C
Ownership Vesting

Irene Y. Castillo, a Single Woman, as to an undivided 1/5 interest;

Juanita Ybarra, a Widow, as to an undivided 1/5 interest;

Rosemary Carlon, a Married Woman, as her Sole and Separate property as to an undivided 1/5 interest;

The Heirs of Albert M. Ybarra, as to an undivided 1/5 interest; and

Paul M. Ybarra, as to an undivided 1/5 interest, all as Tenants in Common.

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